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ABSTRACT

This workbook pulls together materials intended to help train individuals who are deaf-blind or have other severe disabilities with the transition from school to the adult world. Topics covered in the main body are: legislation concerned with transition services; appropriate procedures and getting started; transition planning process; questions to guide transition planning meetings, concerning employment, postsecondary education, community living, recreation/leisure, friends/social relationships, income support, student/family support issues, transportation, and medical/health issues; ways to tell if the planning meeting went well; implementation of the plan; work options and experiences for students; activities for staff including specific responsibilities for teachers, vocational staff, occupational therapists, physical therapists, and speech therapists; development of work experience sites; possible sites and possible tasks; job assessment performance areas; and Department of Labor regulations. The main body concludes with a summarizing list of 10 steps for successful transition. A pretest/posttest precedes and follows the manual. Appendices include: a parent inventory form; sample transition plan forms; a parental notification form; a meeting checklist; a non-binding statement of understanding between schools and participating agencies; information from the Social Security Administration regarding work incentives; and information on reauthorization of the Rehabilitation Act. (DB)

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ED 390 218

A MODULE FOR TRANSITIONING FROM SCHOOL TO THE ADULT WORLD

A Workbook For:

TRANSITION FROM SCHOOL TO THE ADULT WORLD

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EC304483

PRETEST_____ POSTTEST_____

PURPOSE: The pretest is given to determine the knowledge that the trainee gained as a result of the training.

1. Define Transition as stated in Public Law 101-476 (I.D.E.A.)

2. At what age should the student have an Individualized Transition Plan (ITP)?

3. Name at least three areas that need to be addressed in the ITP.

4. Name at least three people who should participate in a transition planning meeting?

5. Who needs to coordinate the transition meeting?

6. Is it necessary for the student to attend the ITP meeting?

7. According to the Fair Labor Standards Act of 1938 (which deals with students who have disabilities) name at least two of the six criteria in order to consider working at businesses part of training opportunities.

8. Match the following time frames that are used as a general rule for the Fair Labor Standards.

Vocational Exploration	90 hours per job experience
Vocational Assessment	120 hours per job experience
Vocational Training	5 hours per job experience

TRANSITION FROM SCHOOL TO WORK: A PLANNING PROCESS

Wehman, Kregee, and Barcus (1985) have described vocational transition in the following way: "Vocational transition is a carefully planned process, which may be initiated either by school personnel or by adult services providers, to establish and implement a plan for either employment or additional vocational training of a handicapped student who will graduate or leave school in three to five years; such a process must involve special educators, parents, and/or the students, an adult service system representative, and possibly an employer."

LEGISLATION

In 1975, a law was passed that enabled children with disabilities to be part of the public school system. This was Public Law 94-142, known as the Education for all Handicapped Children Act. In October, 1990 this was amended and became Public Law 101-476, referred to as the Individuals with Disabilities Act (IDEA). This law mandates transition services for students with disabilities ages fourteen (14) through twenty-one (21). The following section is taken directly from the law:

Section 300.18 Transition Services

"Transition service means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post school activities, including post secondary education, vocational training, integrated employment (including supported employment) continuing and adult education, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's preferences and interests, and shall include instruction, community experiences, and the development of employment and other post school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation."

Section 300.347 Agency Responsibilities for Transition Services

"A statement of needed transition services for students beginning no later than age 16 and annually thereafter (and, when determined appropriate for the individual, beginning at age 14 or younger), including, when appropriate, a statement of the interagency responsibilities or linkages (or both) before the student leaves the school setting"

The law further states that:

"If a participating agency, other than the public agency responsible for the student's education, fails to provide agreed upon transition services contained in the IEP of a student with a disability, the public agency responsible for the student's education shall reconvene a meeting of all participants on the IEP team to identify alternative strategies to be implemented to meet the transition objectives that are included in the student's IEP."

WHAT'S HAPPENING?

Some feel that special education programs do not adequately prepare students with disabilities to meet the transitional demands of obtaining employment and living independently (Seggon and Bakes, 1992). Others feel that providers of special education services and vocational rehabilitation counselors do not sufficiently coordinate vocational and transition activities (Griffith and Lowery, 1989). Still others think that traditional job placement strategies of training, placement, and short term follow up for persons with severe disabilities fail to meet the needs of individuals with severe disabilities for long term supported employment (Apter, 1992). Whatever the reasons, it is clear that all student with severe disabilities, especially those who are deaf-blind, need specific training in career education and basic skills (career options, communication, orientation/mobility, daily living) that are necessary for meaningful, independent employment in their communities. To ensure that transition from school to work is successful, the continuum of services should begin early and continue throughout the duration of the educational program.

These figures are from the Mississippi State Department of Education. They reflected all disabilities statewide.

1992-1993	Graduated with a:	Percentages
	Diploma - 344	14.75%
	Certificate - 1161	49.79%
	Max Age - 26	1.11%
	Dropped out - 631	27.06%
	Status unknown - 170	7.29%

1991-1992	Graduated with a:	Percentages
	Diploma - 265	13.20%
	Certificate - 1112	55.41%
	Max Age - 25	1.25%
	Dropped out - 475	23.67%
	Status unknown - 130	6.53%

WHAT ARE THE PROCEDURES.....HOW DO WE GET STARTED?

IDEA states (Section 300.18) that "the coordinated set of activities shall be based upon the individual student preferences and interests." At the beginning of the school year, it is essential that a family inventory be taken so that services can be planned accordingly. It is of the utmost importance to know what the family is looking for, what activities are part of their daily lives and what information the family may need to access so that they can plan for the best possible future. (There are examples of a family inventory from Jackson Public Schools in Appendix A.)

The transition team is composed of those persons responsible for initiating the process and developing the ITP. Parents MUST be invited to any meeting where transition services are to be discussed and they must be informed that transition is the PURPOSE OF THE MEETING. Notice of the meeting must also indicate to the parents that THE STUDENT WILL BE INVITED AND LIST THE OTHER AGENCIES INVITED. Many schools begin when the student reaches the age of 16 and some may start when the student is 14 years of age. The ITP is implemented separately or in conjunction with the Individual Education Plan (IEP), where the ITP meeting is held at the same time as the IEP meeting and updated annually. Planning for the student's needs in advance not only aids the student in attaining necessary skills, but also gives the cooperating agencies sufficient time to know and plan for what types of services will be asked for. The team is the most important aspect of transition planning. The importance of cooperation, coordination and commitment can not be understated. Implementation is going to be impossible without interagency and interdisciplinary team planning. The other important aspect of transition planning is to make sure that the student and the parents are aware of all possible options, the requirements to get into the program, if there is a waiting list and an opportunity to tour these programs and possibly speak with other individuals in the program and/or

their families. In order for parents to make informed choices, they need to be given all of the information. (Sample transition plans can be found in Appendix B).

TRANSITION PLANNING.....HOW TO GET STARTED

Although IDEA requires that transitional services be addressed in each student's IEP it offers few guidelines for teachers to start the process. Following is a step by step process that may offer assistance to teachers who are not sure where to begin.

STEP 1: Develop a Form/Format

Transition planning is a process, but without a form it can lead to mass confusion by all parties involved. A good, easy-to-use form will guide you through the process and will assist the meeting in moving along in the right direction. The Individuals with Disabilities Education Act (IDEA) does not require a separate form from the IEP. Some districts have chosen to use a separate form or add an addendum to the IEP. Whatever format or form that you and your district choose to use, it should allow you to do the following: 1) identify outcomes in each of the target areas (e.g.. vocational, residential, rec/leisure, advocacy, etc.), 2) identify student goals that will assist them in reaching those goals that were determined and set, 3) identify tasks and responsibilities of students, families, schools, and adult service agencies in ensuring that the identified outcomes are met and, 4) most importantly, establish timelines for completion of each goal identified.

STEP II: Schedule a Meeting

The school district is responsible for scheduling and conducting the transition planning meetings, however, school districts may assign different staff this responsibility. It does not matter who is responsible as long as it is clearly established and carried through. The assigned person will need to establish a date for the transition/IEP meeting and send notices to those persons who need to attend. In the written prior notice to the parents, include who will be attending and from what agency.

Participants in the meeting will vary depending on the services the student currently is receiving, the services the student is projected to receive, and the age of the student (e.g.. as the student nears graduation, more and

more adult representation is necessary). Some of the people who might be involved include: the student, the parents, other family members, friends, advocates, school personnel - teachers, aides, OT, PT, orientation and mobility specialist, regular ed teachers, school counselors, vocational rehabilitation counselors, supported employment staff, case managers, staff from local residential programs and job trainers.

STEP III: Identify Student Needs, Preferences, and Interests

One requirement outlined in the definition of transition services in the Individuals with Disabilities Education Act (1990) is that "...the coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post secondary adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation."

Many students who are deaf-blind and non-verbal may have great difficulty expressing their preferences and interests, either because of limited communication skills, or limited life experiences. In this case, other available options need to be looked into. One may need to investigate the desires of the family, seek an advocate to speak for this individual, past data collection or a planning process called Personal Futures Planning (Mount, 1988). Personal Futures Planning has proven effective in assisting teams "test out" information on preferences and interests of the student in the use of mapping techniques. The "maps" are used to gather information about the individual with a disability. The maps can assist teams to identify capacities, dreams, and desires that a person has for the future. A profile of the individual is developed, using graphics and color coding to summarize the person's background, relationships, personal preferences, information about how and where the student spends his/her day, choices that the person makes, etc.

STEP IV: Conduct the IEP/Transition Planning Meeting

There is no set agenda for conducting a transition planning meeting, although here are some suggestions that may be helpful.

A. Introductions and Purpose of the Meeting - Be sure that everyone introduces themselves, especially since adult service providers may be new members to the team. Next describe the purpose of the meeting.

Include why you are gathered here today. Following is an example of how to start a meeting after introductions have been made

Teacher: We are here today to discuss Johnnie's transition from school to the adult world. By meeting here today, we hope to make the process smoother by planning and working on goals that Johnnie will need after graduation. Let's get started.

An outline of the various areas that will be addressed should be visible to all planning team members. A written agenda, an agenda on a flip chart or blackboard, or a copy of the planning form will help keep participants focused and keep the meeting flowing.

B. Target Areas to Be Discussed - The next step is for the facilitator to take the team through, one by one, each goal to be discussed. The question that should be asked is "What outcomes are we looking for in the area of... (employment, living, rec/leisure, community participation, etc.). A discussion should follow each question and will take on different directions depending on the age of the student, the information at hand, the amount of information that is still needed, and those individuals involved. Record the outcomes, student goals, tasks/responsibilities and timelines as you go.

C. Forms - At this time, you may want to get needed forms signed by the parents. Some districts may want the parents to sign a form letting them know that community work experiences will occur in local businesses. (A sample form can be found in Appendix C.)

QUESTIONS TO GUIDE TRANSITION PLANNING MEETINGS

The following questions are intended to assist facilitators in generating discussions regarding each of the target areas noted below. the facilitator, generally the student's teacher or other school district employee, should not feel that they need to have the "answers" to these questions. They are only to assist in getting a discussion going. It is likely that other participants will know much more about particular topics than education staff (e.g., SSI work incentive programs, eligibility for adult services programs).

The questions should always be posed to the student first, letting other team members expand and provide input later. It may be helpful to provide students and family members information on the areas you will be covering prior to the meeting so that they can come adequately prepared with information and questions.

Employment

What type of work is the student interested in?

What type of support will be needed (e.g. job coach, assistive technology, interpreter services)? How will the student get access to these services?

What type of training in high school will help the student achieve their goals (vocational education courses, community-based work experiences, summer or after school employment)?

What related areas may influence this outcome (e.g., grooming/hygiene, transportation, orientation and mobility, communication)? How can these be addressed in the IEP?

Post-Secondary Education

What institutions offer the training/degree that the student is seeking?

What special student support services may be needed (e.g., interpreters, notetaking, braille materials)? Who is responsible for providing these services?

Will environmental accommodations be needed (e.g., physical accessibility of buildings, special lighting, etc.)

Is financial aid available?

What skills can the student be working on in the last few years of school to be prepared for post-secondary education?

Community Living

Where would the student like to live (house vs. apartment, city vs. country, etc.). Describe important aspects of the housing (e.g., yard, one level, own room).

Who would the student like to live with?

What support will the student need to live in the setting identified? What agencies in the local community provide these services? How does the student apply for these services? Are there entry requirements?

What specific skills will assist the student to live as independently as possible (meal preparation, housekeeping skills, budgeting)? Which are priorities to work on this school year?

What adaptive equipment will assist the student in living as independently as possible? (TDD, vibrating alarm clock, adaptive kitchen tools)?

Recreation/Leisure

What does the student currently enjoy doing in their leisure time?

What new activities does the student want to learn?

Does the student have a balance between activities that they can do at home vs. in the community? Do they have a balance between activities they can do alone vs. those they can do with others?

What are barriers to participating in more recreation activities?

What community resources are available that may provide opportunities and support?

What adaptations are used/can be used to help the student participate in various activities?

What goals should be incorporated into the IEP for the year?

Friends/Social Relationships

Who are the most important people in the student's life (friends, family members, service providers)? Are those people involved in the planning process?

What opportunities does the student have to meet new people/develop new relationships? What issues seem to be barriers?

How does the student communicate with others? Do others need training/information on how to use this communication method?

How will the student maintain relationships with current friends after graduation (letters, TDD, etc.)?

What interests does the student have that could be shared with friends?

Are there particular social skills that the student needs to develop?

Income Support

How much income will the student need to support the lifestyle they desire? Does this have an impact on career decisions?

Is the student currently receiving Supplemental Security Income (SSI)? Will they be eligible in the near future? Does the student and family know how to apply for SSI? Does the student/family understand how assets effect their initial or continued eligibility for SSI/Medicaid?

Does the student and their family understand how wages will impact SSI benefits? Do they need more information on Social Security Administration Work Incentive Programs?

Student/Family Support Issues

Does the student/family understand that the student becomes their own legal guardian at age 18? Are there questions that parents have regarding advocacy and guardianship? Are there resources locally to assist families with these issues? (Note - Frequently this information can be obtained through the local Association for Retarded Citizens, the Governors Planning Council on Developmental Disabilities, parent Advocacy Centers, Protection and Advocacy organizations).

Does the student/family understand how an inheritance would impact the students eligibility for SSI and Medicaid?

Would the student/family benefit from training in advocacy skills? Where is training available? Should self-advocacy be addressed in the student's IEP?

Transportation

Where will the student need to go as an adult (work, recreation settings, friends/families homes)?

What community travel skills does the student currently have? What skills can be addressed in the IEP?

What transportation options are available in the community?

If the student will require assistance getting to and from community activities (work, leisure, etc.) what options are available (e.g., car pooling, special transportation, etc.)

Medical/Health Issues

Does the student have medical/health issues that would impact employment or other adult outcomes? What are they (allergies, seizures, etc.)?

Does the student currently have health insurance? Will they after graduation? Is health insurance an important benefit that the student would need from their job?

Has the student had vision/hearing assessments complete recently? What information can be passed on to adult service provider regarding the student vision and hearing?

C. Summarizing the Meeting - Be sure to review the decisions, commitments, and timelines made prior to closing the meeting. The written plan developed should be copied to the team members following the meeting.

HOW CAN YOU TELL IF THE ITP MEETING WENT WELL

1. Were all of the people included at the meeting?
2. Did everyone look at the student's desires and interests?
3. Did family, advocates, and friends help decide what was written on the ITP?
4. Did the student and family receive information about the type of services that he/she might need after graduation?
5. Did the group discuss the student's interests, likes, dislikes, and future?
6. Are there dates for completing transition goals?

A checklist for ITP meetings is included in Appendix D. The activities are broken down in activities for before, during, and after the meeting.

THE MEETING IS FINISHED...IMPLEMENTATION

Let's start with employment options since that is often one of the main concerns and often times the most difficult challenge to face. One needs to plan activities around employment that not necessarily dictate specific jobs, but rather the general skills and abilities necessary for seeking, securing, and maintaining employment. Some questions for consideration may be:

1. In what type of work is the student interested and/or what aptitude/skills have been demonstrated?
2. Based on the student's ability and interests, is it more appropriate for the student to be involved in competitive employment or some level of supported employment?
3. If the student has chosen a particular occupational field, does he/she have the skills and abilities needed to succeed in that field? What specific skills is the student missing?
4. Does the student know and use good employability skills?
5. What types of vocational training and/or academic, social, and communication skills are needed to help the student acquire relevant work skills and behaviors before he/she exits high school?
6. What types of accommodations/adaptations might the student need on the job?
7. Is that job available in the local community? What is the attitude of the business community?

WORK OPTIONS AND EXPERIENCES FOR STUDENTS

It is important to be able to give students the opportunity to experience work, develop likes and dislikes, start building a resume, develop work skills, and look at needed adaptations. Planning for later work skills should start at the elementary level school years. This is a good time for a multidisciplinary approach to start. Students with severe disabilities will need the team to work and plan together for future outcomes. Listed below are examples of ways that each team member may participate through each level of schooling.

ACTIVITIES FOR STAFF

ELEMENTARY SCHOOL

Teacher:

* Identify and assign simple chores to students
* Organize projects that will provide students work opportunities
* Convey expectations that students can and will work as adults to students and parents
* Visit several work experience sites where middle and high school students work.

Vocational Staff:

* Assist teacher to organize presentation by adults with disabilities to speak to classes about their life and jobs
* Meet with the teacher once a year to get information on what vocational activities he or she is doing, to make suggestions, and to become familiar with students

Occupational Therapist:

* Assist teachers to identify task design and adaption strategies that will allow students to perform chores and work projects
* Plan and implement eating, drinking, bathroom use, and drooling programs as needed

Physical Therapist:

* Plan and implement functional mobility programs
* Provide input related to student positioning when performing work tasks

Speech Therapist:
* Plan and implement functional communication program

MIDDLE SCHOOL

Teacher:
* Recruit potential in school work experience sites
* Conduct job and task analysis
* Train student or supervise classroom aide who provides training
* Continue to reinforce expectations for employment to students and parents
* Visit several community work experience and employment sites where high school students work

Vocational Staff:
* Communicate to the teacher the types of tasks that are available in the local job market
* Provide job analysis and work experience instruction to teachers and therapists
* Meet with teachers at the beginning of the school year and at mid-term to provide input into their vocational preparation programs and to track student progress

Occupational Staff:
* Assist teacher in analysis of work experience sites and tasks
* Assist teacher to identify task design and adaption strategies that will allow student to perform tasks at in school work experience sites as independently as possible
* Plan and implement eating, drinking, bathroom use, and drooling programs as needed and incorporate into work experience
* Visit several community work experience and employment sites where high school student work

Physical Therapists:
* Plan and implement functional mobility programs and incorporate into work experience
* Provide input related to student positioning at in school work experience sites.

Speech Therapists:
* Plan and implement functional communication programs
* Identify specific strategies that students can use to most effectively communicate at work experience site

HIGH SCHOOL

Teacher:
* For students 16-17 years of age, take lead responsibility for providing community work experiences to them, including conducting job analysis, training, or supervising classroom aide trainers at sites, and interfacing with site supervisors.
* For students 18-20 years of age, provide input to vocational staff about types of tasks and sites around which work experience can best be established for students.
* Along with vocational staff person, meet with parents at least twice annually. These meetings will include descriptions of adult system, their child's current work experience and work performance, and what they can do to become involved in and support their child's vocational program.

Vocational Staff:
* For students 16-17, recruit community work experience sites that will be conducted by teachers. Provide instruction and assistance to teachers and aides about how to set up and conduct work experience sites
* Recruit and conduct work experience sites for students 18-20 years of age
* Meet with teacher and parent

Occupational Therapist:
* Assist teacher and vocational staff to conduct job site and task analysis
* Identify and implement job design strategies at site for student.
* Identify and implement strategies that students can use related to eating, drinking, and using the bathroom
* After initial job analysis and design, visit site several times to determine need for additional design

Physical Therapist:
* Provide input to teacher, vocational staff, and occupational therapist regarding optimal positioning. Visit site if necessary to determine best positioning
* Identify the mode of mobility that students will use to get to and around work site
* Provide guidance to staff related to training strategies for mobility issues

Speech Therapist:
* Based on teacher or vocational staff description of communication demands of site, identify best mode of communication for students to use. If needed, program electronic communication device or construct communication board that will be used at site.

JOB PLACEMENT/TRANSITION

Teacher:
* Ensure that students are referred for services to local funding agencies
* Provide input to vocational staff about type of job to seek for students

Vocational Staff:
* Identify adult providers who will provide ongoing support to students
* Gain input from student and family about the type of work situation desired - location, hours, tasks, type of company
* Search for and place students into jobs
* Provide detailed information to adult provider about site, student, and support needs and strategies. Introduce employer and co-workers to adult service providers
* Work with adult provider to arrange transportation to site if public buses are not available.

Occupational Therapist:
* Assist in job site and task analysis
* Identify and implement job design and adaption strategies site for student
* Identify and implement strategies related to eating, drinking, using the bathroom, and drooling
* Meet with adult providers and instruct them in issues around positioning of the student, adaptive strategies that the student will use to eat, drink, use the bathroom, and decrease drooling

Physical Therapist:

* Identify mode of mobility that student will use to get to and around work, and assist in training
* Provide input related to positioning as needed

Speech Therapist:

* Identify and design communication strategies for students to use at work site.
* If needed, meet with co-workers and supervisors to help them to feel comfortable communicating with the student

During this whole process a history should be kept on all of the work experiences. This can be done in several forms. One is a video resume all of past employments sites. This is a good mechanism to share with the adult agencies and will assist in the vocational evaluation process. Another form is a hand written process where you keep track of the locations, the dates, the adaptions, and the training methods that were used. When this is completed, it can be turned into a written resume that can be handed to employers during the job search process.

Student:_____ Teacher:_____
Year Leaving School:_____

SITE EXPERIENCE RECORD SUMMARY
Vocational Domains

Date From/To	Type of Setting and Location	Duties	L/S	Comments/Adaptations/Strategies

LEVEL OF SUPERVISION KEY: D = Direct Supervision I = Indirect Supervision S = Shadowing M = Mastered

Used with permission from Jackson Public School District - Transition 1990

DEVELOPING WORK EXPERIENCE SITES

Certain characteristics exist with work experience sites. Three main examples to keep in mind are:

1. Employers should understand that students will be there primarily to receive training and experience, not to produce work.

   There needs to be a mixture of training and production. Production (free labor) does not need to be on the top of the list. Production needs to be there for student to learn to meet these requirements. but there also needs to be time allowed to meet the training needs. In most cases, the work that the students perform should be viewed as supplementary.

2. Sites should offer opportunities to perform a variety of tasks. When a student is placed at a site with multiple tasks, they can learn to perform two or more tasks simultaneously as part of the natural routine.

3. Sites should provide the optimal opportunity for students to work and interact with nondisabled employees. When analyzing a site, staff should note how much the employees interact with each other, assess the extent to which the assigned tasks will require them to actually work with the employees, and judge the receptiveness of the employees to the idea of having students with disabilities at the business.

DEVELOP A WORK EXPERIENCE SITE POOL

Finding and setting up sites requires a significant amount of staff time. A more efficient alternative is to establish a "pool" of sites, composed of a number of employers who have agreed to allow students from the program to rotate through their businesses on an ongoing basis. Some districts, to make sure that there are not any miscommunications or misunderstandings between the school and the business, may want to use a non-binding statement of understanding. This could outline each person's duties and responsibilities. (Example form in Appendix E).

POSSIBLE SITES

1. Main office
2. Attendance office
3. Library
4. Audio-visual room
5. Student newspaper/yearbook room
6. Athletic office
7. Teacher's work room
8. Nurse's office
9. Counselor's office
10. Cafeteria

POSSIBLE TASKS

1. Enter student attendance information on computer in attendance office or other office where this is completed.
2. Enter student semester grades on computer in office where this is completed.
3. Enter student test grades for teacher in teacher workroom.
4. Update student information files on computer in main, counselor, or athletic office.
5. Type memos for principal or other staff person.
6. Photocopy memos and other information for office.
7. Photocopy tests and handouts for teachers.
8. Enter new book catalogue numbers and check-out information in computer for librarian.
9. Put memos and other information in teacher mailboxes.
10. Deliver phone messages from front office to classrooms.
11. Pick up attendance slips from classrooms and deliver to attendance office.
12. File check-out cards in library.
13. Type information on check-out cards for new books.
14. Place protective covers on new books in library or repair old covers.
15. File correspondence and administrative information in main office.
16. File student record or attendance information in office where these are maintained.
17. Type articles for student newspaper.
18. Photocopy student newspaper.
19. Enter health status information for school nurse on computer.

20. Photocopy memos to be sent home by school nurse to students's parents.
21. Enter basic information about student athletes for athletic director and coaches on computer or assist in maintaining paper files of this information.
22. Help maintain records of equipment use in audio-visual room.
23. Answer phones in any of the offices.
24. Perform light cleaning duties in the cafeteria.

COMMUNITY SITES/VOCATIONAL TASKS

1. Typing
2. Computer Data Entry
3. Work Processing
4. Filing
5. Phone answering
6. Photocopying
7. Collating/stapling
8. Mail preparation
9. Packaging
10. Unpacking, pricing
11. Delivery
12. Light assembly
13. Light cleaning
14. Microfilming

(From Sowers, J.A. and Powers, L. (1991). Vocational preparation and Employment of Students with physical and Multiple Disabilities.)

PROJECT SETS
Supported Employment Transition Services

JOB CLUSTER	SAMPLE JOB TITLES	SAMPLE JOB DESCRIPTIONS
Health Occupations	Nurse's Aide, Lab Asst., Personal Care Aide, Tray and Instrument Prep, Orderly	patient transport, feeding patients, supply delivery, bathing patients
Food Services	Dishwasher, Food Preparer, Busperson, Kitchen Asst., Banquet Worker, Pizza Maker	wash and wrap potatoes, cut up vegetables for salad bar, fold "to go" boxes, fill glasses with ice and drinks, wash dishes
Maintenance	Janitor, Environmental Services Worker, Maintenance Worker	"police" grounds, mop and sweep all rooms, collect the trash and dispose of it
Housekeeping	Maid, Housekeeper, Laundry Worker	make beds, change linens, fold towels and sheets, clean the bathroom, mop kitchen floor
Personal Services	Plumber, Lawn Maintenance, Babysitter, Day Care Worker	mowing the grass, putting out mulch, changing the toddlers, feeding infants, supervising children in playground
Retail and Wholesale	Cart Attendant, Courtesy Clerk, Department Clerk, Bagger, Cashier	zone shelves in dept. sort by size on racks, price check, bag groceries, retrieve carts, check in videos
Distribution and Warehousing	Stock Clerk, Truck Unloader, Stock Delivery	sort hangers, sort boxes, unpack items and put on hangers, put stock in correct aisle and/or shelf
Office and Clerical Services	File Clerk, Mail Room Asst., Copy Machine Operator, Library Asst.	filing, sorting mail, delivering mail, making copies, converting files to microfilm
Construction	Carpenter's Asst., Laborer, Painter's Helper, DOT Asst.	sawing, painting, sanding, retrieving materials and/or tools
Manufacturing	Factory Worker, Gardener, Park Attendant, Farmer's Helper	plant trees, plow fields, feed farm animals, pick vegetables, lay sod
Animal Care	Veterinary Asst., Pet Store Clerk, Stable Hand	bathe and groom animals, feed animals, clean kennels, collect eggs, exercise the animals

GEORGIA STATE UNIVERSITY PROJECT SETS, S-6, 8/1/91

JOB ASSESSMENT PERFORMANCE AREA

The teacher and vocational staff will need to complete job assessment information during the work experience time. In order to assess where the student's abilities lie or to determine what possible adaptations may need to be made, the assessment should include some or all of the questions in each of these areas:

1. Bathroom/Toileting:
   * Is the student continent (bladder/bowel control)?
   * Is assistance needed?
   * How long does it take?
   * How often does he/she need to go?
   * Is an accessible bathroom needed?

2. Endurance
   * How long can the student work before becoming fatigued?
   * Any limits on sitting?
   * Do short breaks alleviate fatigue?

3. Eating/Drinking
   * What type and amount of assistance is needed?
   * Any food restrictions?
   * How long does it take the student to eat?

4. Medical
   * Are there any medications taken? When? How?
   * Are there any medical conditions that may affect work?

5. Mobility
   * What mode?
   * How far can he/she travel?

6. Transportation
   * Can the student use the public bus?
   * Does he/she need an accessible bus?
   * Is there a bus available?
   * Type of assistance needed?
   * How much assistance needed?

7. Behaviors
   * Describe any behavior challenges
   * Describe strategies to deal with them

8. Academics
   * Does the student read/ If so, what level?
   * Can the student write? If so, what level?
   * Can the student do math? If so, what level?

9. Communication
   * What is the student's mode of communication?
   * How well does the student use this mode?
   * Can others understand?
   * How quickly can it be used?
   * How is his/her ability to understand others?

10. Grooming
   * How well is he/she usually groomed?
   * How much assistance is needed?
   * Type of clothes generally worn?

11. Hand Use
   * Does the student have the ability to grasp?
   * Manipulate?
   * Life weight? What amount?
   * Reach forward and/or up?
   * Amount of control?

12. Vision and Hearing
   * How good is near/far vision?
   * Is the vision corrected?
   * Are there any aides and/or adaptions?

DEPARTMENT OF LABOR REGULATIONS

When embarking on a job site, remember that there are Department of Labor regulations to abide by. These are fairly easy to follow and maintain compliance. Also, make sure that the employers are aware of the regulations, so that there will be not misunderstanding in the training process.

United States Department of Education

Dear Colleague:

The Departments of Education and Labor have collaborated to promote opportunities for educational placements in the community for students with disabilities while assuring that applicable labor standards projections are strictly observed.

Pursuant to the Individuals with Disabilities Education Act (IDEA), individualized education programs are developed to provide students with disabilities an opportunity to learn about work in realistic settings and thereby help such students in the transition from school to life in the community. Since the affirmation of students's rights to an appropriate free public education in 1975, many students with disabilities have benefitted from participation in vocational education programs in their public schools. Students with more severe disabilities, however, have experienced fewer benefits from participation in such programs. Alternative, community-based, and individualized education and training programs have emerged to meet their needs.

Our Departments share an interest in promoting education experience that can enhance success in school-to-work transition and the prospects that these students become effective, productive workforce participants and contributors to their community. At the same time, these students must be afforded the full protection of the national labor laws and not be subject to potential abuse as they start this transition through community-based educational experiences.

Existing Department of Labor guidelines which define "employees" for purposes of applying the requirements of the Fair Labor Standards Act (FLSA) do not specifically address community-based education programs for students with disabilities. To assist program administrators in developing programs or making placements that do not create questions about the establishment of an employment relationship between the students and participating businesses in the community, the Employment Standards Administration (Department of Labor, and the Offices of Vocational and Adult Education, and Special Education and Rehabilitative Services, Department of Education) have developed the following guidance.

Statement of Principle

The U.S. Departments of Labor and Education are committed to the continued development and implementation of individual education programs, in accordance with the Individuals with Disabilities Education Act (IDEA), that will facilitate the transition of students with disabilities from school to employment within their communities. This transition must take place under conditions that will not jeopardize the projections afforded by the Fair Labor Standards Act to program participants, employees, employers, or programs providing rehabilitation services to individuals with disabilities.

Guidelines

Where ALL of the following criteria are met, the U.S. Department of Labor will NOT assert an employment relationship for purposes of the Fair Labor Standards Act.

- *Participants will be youth with physical and/or mental disabilities for whom competitive employment at or above the minimum wage level is not immediately obtainable and who because of their disability, will need intensive on-going support to perform in a work setting.*
- *Participation will be for vocational exploration, assessment, or training in a community-based placement work site under the general supervision of public school personnel.*
- *Community-based placements will be clearly defined components of individual education program developed and designed for the benefit of each student. The statement of needed transition services established for the exploration, assessment, training, or cooperative vocational education components will be included in the student's Individualized Education Program (IEP).*
- *Information contained in a student's IEP will not have to be made available; however, documentation as to the student's enrollment in the community-based placement program will be made available to the Departments of Labor and Education. The student and the parent or guardian of each student must be fully informed of the IEP and the community-based placement component and have indicated voluntary participation with the understanding that participation in such a component does not entitle the student-participant to wages.*

- *The activities of the students at the community-based placement site do not result in an immediate advantage to the business. The Department of Labor will look at several factors.*

1. *There has been no displacement of employees, vacant positions have not been filled, employees have not be relieved of assigned duties, and the students are not performing services that, although not ordinarily performed by employees, clearly are of benefit to the business.*
2. *The students are under continued and direct supervision by either representatives of the school or by employees of the business.*
3. *Such placements are made according to the requirements of the student's IEP and not to meet the labor needs of the business.*
4. *The periods of time spent by the students at any one site or in any clearly distinguishable job classification are specifically limited by the IEP.*
   - *While the existence of an employment relationship will not be determined exclusively on the basis of the number of hours, as a general rule, each component will not exceed the following limitation during any one school year:*

Vocational exploration	*5 hours per job experienced*
Vocational assessment	*90 hours per job experienced*
Vocational training	*120 hours per job experienced*

   - *Students are not entitled to employment at the business at the conclusion of their IEP. However, once a student has become an employee, the student cannot be considered a trainee at the particular community-based placement unless in a clearly distinguishable occupation.*

It is important to understand that an employment relationship will exist unless all of the criteria described in this policy guidance are met. Should an employment relationship be determined to exist, participating businesses can be held responsible for full compliance with FLSA, including the child labor provisions.

Businesses and school systems may at any time consider participants to be employees and may structure the program to that the participants are compensated in accordance with the requirements of the Fair Labor Standards Act. When ever an employment relationship is established, the business may make use of the special minimum wage provisions provided pursuant to section 14(c) of the Act.

We hope that this guidance will help you achieve success in the development of individualized education programs.

TEN STEPS FOR SUCCESSFUL TRANSITION

1. Start the transition process early (14; no later than 16)
2. Include all individuals and agencies in the planning process
   a. Physical Therapist
   b. Speech Therapist
   c. Assistive technology
   d. Mobility specialist
   e. Vocational rehabilitation
   f. Local adult agency
      1. Case manager
      2. Supported employment
      3. Group home personnel
   g. Parents
   h. Friend, advocate
   i. Program developer
   j. Occupational therapist
   k. Teacher
   l. Students
3. Set both short term and long term goals
4. Include the students desires, needs, interests, strengths, and abilities
5. Make the family aware of all of the services that are available before and after graduation. Also, how to access these services.
6. Make sure that everyone is aware of their duties and responsibilities with dates of completion attached to the goals.
7. Give the students as many different experiences, especially work, during the initial years to assist in locating the best choices for adulthood
8. Discussion of all areas of transition:
   a. employment
   b. transportation
   c. living arrangements
   d. recreation and leisure
   e. advocacy
   f. social behavior
   g. communication

h. medical needs
i. financial

9. If a participant or participating agency fails to provide agreed upon transition services; identify alternatives strategies to be implemented to meet the objectives.
10. Cooperation, Coordination, Communication, and Collaboration.

PRETEST_____ POSTTEST_____

PURPOSE: The pretest is given to determine the knowledge that the trainee gained as a result of the training.

1. Define Transition as stated in Public Law 101-476 (I.D.E.A.)

2. At what age should the student have an Individualized Transition Plan (ITP)?

3. Name at least three areas that need to be addressed in the ITP.

4. Name at least three people who should participate in a transition planning meeting?

5. Who needs to coordinate the transition meeting?

6. Is it necessary for the student to attend the ITP meeting?

7. According to the Fair Labor Standards Act of 1938 (which deals with students who have disabilities) name at least two of the six criteria in order to consider working at businesses part of training opportunities.

8. Match the following time frames that are used as a general rule for the Fair Labor Standards.

Vocational Exploration	90 hours per job experience
Vocational Assessment	120 hours per job experience
Vocational Training	5 hours per job experience

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APPENDIX A

PARENT INVENTORY FORM

School Year

School

Teacher

Family Inventory

Family input is a critical component of the IEP. To insure that the learning process is a success, the family must be willing to practice skills at home and in the community. In order to do this, the family must be aware of what's being taught at school. therefore, a partnership needs to be developed between the student's family and the school system. The IEP forms the framework of this partnership because it details the student's individualized program. It is important that the family and teachers of the students with disabilities have the same goals; and the IEP serves to specify these goals.

So often, tests administered to persons with severe handicaps do not give a true picture of the individual's ability. Having family input will give the teacher a better understanding of the child and of the family situation. therefore, a family should complete a brief history of their child explaining his handicap, his present level of functioning and his capabilities.

STUDENT_____

FAMILY MEMBERS_____

_____

Home Address:_____

Phone Number:_____

Used with permission from Jackson Public School District - Transition 1990

MEDICAL

1. Does your child take any medications?

   For what?

2. Is your child allergic to anything? If so, what?

COMMUNICATION/LANGUAGE

1. How does your child communicate his/her needs to you?
2. How does your child communicate displeasure, pain or dislike to you?
3. How does your child communicate with family members and friends?
4. Does your child follow simple instructions (such as, "Come here", "Sit down?")

BEHAVIOR

1. Does your child exhibit any behaviors that you feel are inappropriate or that bother you or members of the family?
2. What do you or others do when this behavior occurs?
3. What do you do to comfort or calm your child?
4. What do you do to discipline your child or show disapproval?
5. Does your child adapt easily to changes in routine?

DOMESTIC DOMAIN

1. What are your child's eating skills?
2. What are your child's favorite and least favorite foods?
3. Is your child able to dress herself or himself?
4. What personal hygiene skills would you like your child to learn?
5. Which self-help skills is most important to you for your child to learn?
6. Upon leaving school what do you expect your child to be doing for herself/himself?
7. In the future, where do you see your child living (e.g., supervised apartment, group home, home)?
8. What domestic skills would you like for your child to work on this year in order to be prepared for future living?

COMMUNITY

1. What places in the community do you take your child to (e.g., shopping mall, restaurants, relatives homes)?

2. How does your child behave when you take him/her to these places? (Is the behavior different for different places?)

3. What places do you think your child might go to when he/she is older?

PLACE	BEHAVIOR
_____	_____
_____	_____
_____	_____

4. What community environments would you like to see your child participate in this year in order to prepare him/her for the future?

   1. _____
   2. _____
   3. _____

RECREATION/LEISURE

1. What are your child's favorite activities, toys, and/or games at home?

2. What does your child do after school?

3. Does your child play with siblings and neighborhood friends?

4. Does your child enjoy playing by him/herself?

5. In what way does your child move about the house?

6. What recreation/leisure activities does your family participate in as a group?

Notes

7. What recreation/leisure activities would you like your child involved in the future?

RECREATION	LEISURE
_____	_____
_____	_____
_____	_____

8. What recreation/leisure activities would you like your child to participate in this year that are age-appropriate?

RECREATION	LEISURE
_____	_____
_____	_____
_____	_____

VOCATIONAL

1. What jobs does your child help with at home (e.g., putting away toys, cleaning up spills and messes, laundry)?

2. Do you have any suggestions as to the type of work your child might be able to do when he or she is older?

3. What work experiences would you like your child to participate in this year (e.g., clerical work, gardening, janitorial)?

RECREATION	LEISURE
_____	_____
_____	_____
_____	_____

Person Completing Form

Date

Student's Name

A) Who would you like to attend the conference? Consider those people whom you feel can be helpful in planning an education program for your child. You may bring anyone you feel may be helpful (eg. student, family members, family or student's friend/advocate).

The following personnel will be scheduled to attend the conference:

NAME	ROLE

Please indicate any additional school personnel you would like to attend the meeting.

B) When is it most convenient for you to attend the meeting?

Mon	Tues	Wed	Thurs	Fri
8 am	11 am	2 pm		
9 am	12 pm	3 pm	Other	
10 am	1 pm	4 pm		

C) Please note here if you need help making arrangements to attend a conference.

_____ I need help arranging transportation

_____ Other _____

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Jackson Public Schools

MEDICAL

1. Does your child take medication?
   For what?
   How often?
   Will the school staff need to administer the medication?

2. Are you willing to demonstrate this to our staff?

3. Does your child have allergies?
   If so, to what?

ADAPTATIONS

1. Does your child wear:
   - hearing aides
   - glasses
   - braces on feet
   - arm/hand splints
   - corrective braces
   - helmet
   - other

2. Will your child wear them to school everyday?

3. How long or often during the day is your child required to wear the adaptation?

   If applicable, how long does your child sit in the wheelchair at one time?

4. Does your child need adaptations to allow them to complete daily activities?

5. If so, in what areas?
   - feeding
   - communication
   - dressing
   - self-help
   - academics\schoolwork (i.e. large print)

6. What adaptations is your child currently using?

7. What adaptations do you feel would allow your child to participate in more activities?

* Are there adaptations that you use that would beneficial for the staff at the school to be aware of?

COMMUNICATION/LANGUAGE

1. What method of communication does your child use to indicate his/her wants or needs?

sign language	body movement
tactile sign	eye gaze
objects	augmentative devise
speech	picsyms
braille	other

2. What method of communication does your child use to communicate displeasure towards a person, activity, or environment?

sign language	body movement
braille	eye gaze
tactile sign	augmentative devise
objects	speech
picsyms	other

3. What method of communication does your child use to express pain or illness?

cries	screams
body movement	other

RECREATION/LEISURE

1. What are your child's favorite activities, toys, and/or games at home?

2. What does your child do after school?

3. Does your child play with siblings and neighborhood friends?

4. Does your child enjoy playing by him/herself?

5. How does your child move about your house?

6. What activities does your family do together?

go to the movies	watch movies at home
go to the park	grocery store (_____)
go out to eat	visit friends
visit family	go to the mall (_____)
on vacation	attend community functions
go to the zoo	other

7. What activities are your child's favorites?

8. What are your child's least favorite things to do?

9. What community environments would you like to see your child participate in this year in order to prepare him/her for the future?

BEHAVIOR

1) How does your child adapt to changes in their daily routine?
___ very well
___ depends on the change
___ does not seem to matter
___ not at all
___ becomes disruptive

2) How do you comfort your child when he/she is in pain?
___ music
___ talking to them
___ rocking
___ holding
___ kissing
___ other

3) How does your child socially interact with other people?
___ very well
___ fairly well
___ depends on the person
___ will tolerate it
___ does not do well with strangers
___ has to do the intitating
___ does not do well at all

4) Are there certain behaviors that your child does that you are trying to decrease or fade out?

If so, what?

If so, how are you daling with this behavior?

5) How do you discipline your child?

6) What do you use as positive reinforcements/rewards for your child?

7) What would you like to be used during the school day?

SELF-CARE/PERSONAL HYGIENE

1) What level of assistance does your child need to eat?
___ total assistance
___ he/she holds spoon/adapted spoon
___ he/she holds handled cup
___ finger feeds
___ uses a straw
___ opens mouth for spoon
___ little assistance
___ adapted plate
___ none

2) What are your child's favorite foods and drinks?

3) What are your child's least favorite foods and drinks?

4) Are there certain foods/drinks that need to be avoided?

5) How much assistance does your child need for dressing?
___ some assist
___ total assistance
___ minimal assistance
___ no assistance

6) How does your child brush hair/teeth?
___ total assistance
___ some assistance
___ minimal assistance
___ none

7) What particular skills are you most concerned about at this time?

8) Are you willing to demonstrate to the staff (if requested) any of the above routines listed above?

VOCATIONAL

1) Does your child particpate in household chores?
___ dusting ___vacuuming ___raking
___ cutting the lawn ___cleaning room ___ setting table
___ clearing table ___clearing table ___washing dishes
___ drying dishes ___carring out trash ___ caring for pets
___ putting away dirty clothes ___ washing clothes

___ drying clothes ___ folding clothes ___meal preparation
___ cooking ___ grocery shopping ___
____ ____ ___

2) What type of work does your child enjoy?
(receptionist, jantorial, lawn care, resturant, laundry, pet care, car repair, etc)

3) Has your child expressed an interest in a vocation to pursue after graduation?

4) What work experience has your child participated in the past?

5) If so, how did they enjoy working?

6) Are there specific job duties you would like to see your child work on this year?

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APPENDIX B

TRANSITION PLANS

Project SETS

Supported Employment Transition Services

Individual Transition Plan
Cover Sheet

FTE Number _____ Student Name _____

DRS ID Number _____ Birth Date _____

MHMRSA ID Number _____ Graduation Date _____

Projected Graduation Follow-up Date _____

High School _____

Initial ITP Date _____

Participants _____

_____

_____

Review Date _____

Participants _____

_____

_____

Review Date _____

Participants _____

_____

_____

Review Date _____

Participants _____

_____

_____

Review Date _____

Participants _____

_____

_____

Review Date _____

Participants _____

_____

_____

Project SEIS

Supported Employment Transition Services

Individual Transition Plan

Student Name _____ Birthdate _____ Date _____

Summary of Student's Present Skills, Needs and Experiences

_____

_____

_____

A. Transition Issues for Educational Planning	Recommendations	Responsibilities: Parent/Guardian Action	Parent/Guardian Time Line	School Action	School Time Line	Adult Service Providers Action	Adult Service Providers Time Line
1. Employment Preparation and Placement * Job clusters for training * Supported employment: Individual Job share Enclave * Competitive employment * Long term support							

SEIS, IEP 2, 1.92 Georgia State University

Content of this form is not legally binding.

Transition Issues	Recommendations	Responsibilities					
		Parent/Guardian		School		Adult Service Providers	
		Action	Time Line	Action	Time Line	Action	Time Line
2. Post-school Community Living Arrangements: Options and Training Needs • Group homes • Apartments • Remain at home							
3. Independent Living Skills • Personal hygiene • Residence care Cleaning Laundry Cooking • Money management							

Transition Issues	Recommendations	Responsibilities					
		Parent/Guardian		School		Adult Service Providers	
		Action	Time Line	Action	Time Line	Action	Time Line
4. Community and Leisure Options Access to: • Community goods • Community services • Leisure: Recreation Sports Entertainment • Friendships • Religious activities							
5. Transportation Training Needs • Federation (e.g. street crossing) • Bus • Taxi Route location Emergency and safety training							

Content of this form is not [illegible]

Transition Issues	Recommendations	Responsibilities					
		Parent/Guardian		School		Adult Service Providers	
		Action	Time Line	Action	Time Line	Action	Time Line
6. Social Behaviors Training							
* Interpersonal skills * Telephone skills * Sex education * Dating							
B. Additional Issues for Family Consideration							
1. Medical Needs							
* Medication * Seizures * Physician access * Dressing							

Content of this form is not legally binding

SETS, ITP- 5, 1-92 Georgia State University

Transition Issues	Recommendations	Responsibilities					
		Parent/Guardian		School		Adult Service Providers	
		Action	Time Line	Action	Time Line	Action	Time Line
2. Transportation Access for Work and Community • Car pool • Friends • Bus • Taxi • Walk							
3. Financial and Other Benefits • Social security • Minimum pay • Paid vacation • Maximum pay • Insurance							
4. Advocacy/Legal Trust • Wills • Trusts • Legal guardian							

Content of this form is not legally binding

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INDIVIDUAL TRANSITION PLAN - FUTURE PLANNING FOR THE STUDENT

INSTRUCTIONS

The purpose of the Individual Transition Plan is to make the high school experience meaningful for now and for the future. Transition planning is about helping the student to prepare now for goals after graduation. Your help is needed to assist in this planning and this form is designed to help you understand this process and to record your suggestions. At a school meeting your suggestions will be combined with the suggestions of other persons working with the student to form a single plan. REMEMBER TO TAKE THIS FORM WITH YOU TO THE STUDENT'S IEP OR TRANSITION MEETING! The following five pages can be quickly filled out once you understand what they are designed to do. Please take the time to read the following brief instructions before you move to the next page.

FORM 1 - THE INDIVIDUAL TRANSITION PLAN

This form is the most important. It sets the goals that you hope the student will achieve after graduation for work and education, residential living, and community participation. You can either circle suggested goals in fine print or write in a goal. Definitions of the suggested goals are on the preceding page for your information. Space is available to write in school activities that have been set up to help the student reach each goal. These activities can be pulled from the worksheets once they have been finalized. Don't be afraid to set high goals for the student!

FORM 2, 3, and 4 - WORK AND EDUCATION, RESIDENTIAL LIVING, AND COMMUNITY PARTICIPATION WORKSHEETS

These forms suggest some school activities that can assist the student in making the transition toward each goal chosen on Form 1. If you believe the student could benefit from one of the suggested activities, simply check the box or write in the name of the school program in the first column. Definitions of suggested activities are on the preceding page for your information. You may also write in other activities, as needed. It is suggested that you use the second, third, and fourth columns to plan ahead up to four years, or to the student's graduation.

FORM 5 - ASSESSMENTS AND REFERRALS FORM

This form suggests some assessments or referrals that may be needed prior to the student's graduation. Assessments can be very helpful in setting goals and planning activities for the student, and referrals are very important in obtaining eligibility for services that the student may need after graduation. Plan ahead, since vocational and residential services frequently have waiting lists of two years or more. As before, definitions of suggested assessments and referrals are on the preceding page for your information.

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Kent State University ACCESS Page (216) 672-3445
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INSTRUCTIONS - CIRCLE, CHECK, OR WRITE IN ONE OR MORE GOALS FOR EACH AREA. ACTIVITIES FOR THE COMING YEAR CAN BE WRITTEN IN UNDER EACH GOAL AREA ONCE AGREED UPON AT THE TRANSITION TEAM MEETING.

WORK AND EDUCATION GOALS - GENERAL GOALS OUTLINING WORK AND EDUCATIONAL SETTINGS TARGETED FOR THE STUDENT

Competitive Employment - Employment in the community without ongoing support. Training may be done by the employer or a training consultant.

Sheltered Employment - Employment in a protective environment where the individual is paid according to the amount of work done, usually at much less than minimum wage. Generally requires MR/DD eligibility.

Supported Employment - An alternative to sheltered work for some individuals. Involves employment in the community with the help of employment specialists and on-going support. Generally requires eligibility for MR/DD or long-term mental health services.

Technical School - A school of higher learning where the student is able to specialize in a specific field. These fields generally involve two year programs that require scientific or industrial training for a specific trade (eg. electrical engineer, etc.)

University or College - A school of higher learning generally leading to a four year academic degree. Provides a background leading to professions and a good knowledge base for advancement in many fields.

Vocational Training - A program that provides training for a specific job or trade (eg. mechanic, stenographer, carpenter, etc.)

RESIDENTIAL LIVING GOALS - GENERAL GOALS OUTLINING RESIDENTIAL SETTINGS TARGETED FOR THE STUDENT AS AN ADULT

Independent Living (Accessible Housing) - A residence able to accommodate wheelchairs through ramps, elevators, grab bars, pull cords, and adjusted cabinets. Generally more expensive unless obtained through subsidized housing.

Parents or Relatives - Residing with natural parents or other family members. Outside support may be available to the resident from SSI/SSA, Medicaid, or supported living, if the resident is eligible.

Supervised Apartment Living - A residence where staff are available to assist each week to do shopping, handle money, or in some cases, to help with cooking. Generally requires MR/DD eligibility.

Supported Living - A program where supports are provided wherever the individual resides, including with parents or family. Generally requires MR/DD eligibility, but also may be paid by Medicaid in some cases.

COMMUNITY PARTICIPATION GOALS - GENERAL GOALS OUTLINING COMMUNITY ACTIVITIES TARGETED FOR THE STUDENT AFTER GRADUATION

Affiliations and Memberships (Church, Clubs, and Recreational) - Groups that can help the individual develop values, interests, health, social contacts, leisure, and offer activities toward personal goals.

Political Participation - Affiliations and interests that can help the individual participate

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INDIVIDUAL TRANSITION PLAN FOR:

STUDENT SS# - - SCHOOL ID# CLASS OF: MEETING DATE:

WORK & EDUCATIONAL GOALS (full-time part-time) :

☐ University or College ☐ Technical School ☐ Vocational Training ☐ Competitive Employment ☐ Supported Employment ☐ Sheltered Employment

ACTIVITIES (for possible activities see work & education worksheet):	PERSON RESPONSIBLE	START	END

LONG-TERM RESIDENTIAL GOAL:

☐ Independent Living ☐ Independent Living (Accessible Housing) ☐ Supervised Apartment Living ☐ Supported Living ☐ Group Home ☐ Parents or Relatives

ACTIVITIES (for possible activities see residential worksheet):	PERSON RESPONSIBLE	START	END

COMMUNITY PARTICIPATION GOALS:

☐ Civic & Club Memberships ☐ Recreational Memberships ☐ Church Affiliation ☐ Transportation ☐ Continuing Education ☐ Political Participation

ACTIVITIES (for possible activities see community participation worksheet):	PERSON RESPONSIBLE	START	END

INSTRUCTIONS - WRITE UPCOMING SCHOOL YEAR AND OR/YEARS TO GRADUATION IN THE BOX OVER THE FIRST COLUMN. CHECK OR WRITE IN PROGRAMS NEEDED FOR THE UPCOMING YEAR. PLAN AHEAD BY USING THE SECOND, THIRD, AND FOURTH COLUMN FOR EACH YEAR UP TO PROJECTED GRADUATION. USE A SECOND SHEET, IF NECESSARY.

TRANSITION ACTIVITIES RELATED TO WORK AND EDUCATION GOALS - THESE ACTIVITIES ARE DESIGNED TO HELP THE STUDENT CHOOSE A VOCATION OR POST-SECONDARY PROGRAM AND/OR EXPOSE THE STUDENT TO THE DEMANDS OF THESE PROGRAMS WITH SUPPORTS

Career Exploration - A method of clarifying interests and abilities through testing, job tryouts, individual or group counseling, career search activities, and exercises.

Classroom Work Training - Classroom training designed to teach a particular work skill (eg. making beds.

Competitive Work Program - A program where the student is placed in a job in the community during the day or after school at a regular wage to obtain work experience.

Community Work Experience - A program where the student works in the community during the day or after school, sometimes as part of a group, generally for lower wages to obtain work experience.

In-School Job Placement - A job placement within the school (eg. cafeteria) where the student is employed with or without wages to obtain work experience.

Professional Shadowing - A work experience where the student is allowed to follow and observe a person working in a particular job.

Summer Jobs - A program, often funded by the Private Industry Councils, where the student obtains employment when out of school over the summer.

Supported Work Experience - A work experience where the student works in the community with on-going and close supervision to obtain work experience.

Vocational Education - A program where the student is trained in a specific trade or skill as part of his or her high school education.

Non-Paid Training Experience - A program where the student gains non-paid experience in an occupation of interest to explore career options and obtain work skills.

Work Adjustment Program - A program that emphasizes the development of work behaviors such as proper dress, punctuality, good attendance, etc.

TRANSITION ACTIVITIES RELATED TO WORK AND POST-SECONDARY EDUCATION	CHECK BOX OR DESCRIBE TRANSITION ACTIVITIES NEEDED - PLAN AHEAD, IF POSSIBLE			
	____school year or ___yrs to graduation	____school year or ___yrs to graduation	____school year or ___yrs to graduation	____school year or ___yrs to graduation
1. Classroom Work Skills Training	☐	☐	☐	☐
2. In-School Job Placement	☐	☐	☐	☐
3. Work Adjustment Program	☐	☐	☐	☐
4. Training Experience	☐	☐	☐	☐
5. Community Work Experience	☐	☐	☐	☐
6. Summer Jobs	☐	☐	☐	☐
7. Supported Employment	☐	☐	☐	☐
8. Professional Shadowing	☐	☐	☐	☐
9. Career Exploration	☐	☐	☐	☐
10. Vocational Education	☐	☐	☐	☐
11. College Experience	☐	☐	☐	☐
12.	☐	☐	☐	☐

Student SS# _ _ _ - _ _ - _ _ _ _ School ID# _____ Developer_____ Title/Relation_____

Comments:

INSTRUCTIONS - WRITE UPCOMING SCHOOL YEAR AND OR/YEARS TO GRADUATION IN THE BOX OVER THE FIRST COLUMN. CHECK OR WRITE IN PROGRAMS NEEDED FOR THE UPCOMING YEAR. PLAN AHEAD BY USING THE SECOND, THIRD, AND FOURTH COLUMN FOR EACH YEAR UP TO PROJECTED GRADUATION. USE A SECOND SHEET, IF NECESSARY.

TRANSITION ACTIVITIES RELATED TO RESIDENTIAL LIVING - THESE ARE ACTIVITIES DESIGNED TO PREPARE THE STUDENT TO LIVE AS INDEPENDENTLY AS POSSIBLE WITH OR WITHOUT ON-GOING SUPPORTS

Clothing Care - Programs designed to help the student clean, maintain, and repair clothing.

Cooking and Nutrition - Programs designed to help the student plan and prepare balanced meals.

Dealing With Emergencies - Programs designed to help the student recognize and contact community helpers and how to handle common emergencies

Housekeeping Skills - Programs designed to help the student maintain a household (eg. cleaning, common repairs, infection control, etc.)

Guardian and Estate Issues - Programs or services to help the student make informed decisions regarding their money, their medical care, or other legal issues.

Money Management - Programs designed to help the student budget money, comparison shop, and use checking and savings accounts.

Seeking Medical and Health Care - Programs designed to help the student obtain medical and dental services, and to recognize when services are needed.

Self-Care and Safety - Programs designed to help the student care for personal hygiene, appearance, and health.

Home Repairs and Maintenance - Programs designed to help the student get home repairs done and do preventative maintenance in the home.

TRANSITION ACTIVITIES RELATED TO RESIDENTIAL LIVING	CHECK BOX OR DESCRIBE TRANSITION ACTIVITIES NEEDED - PLAN AHEAD, IF POSSIBLE			
	_____school year or ___yrs to graduation	_____school year or ___yrs to graduation	_____school year or ___yrs to graduation	_____school year or ___yrs to graduation
1. Self-Care Safety				
2. Housekeeping Skills				
3. Money Management				
4. Clothing Care				
5. Seeking Medical and Health Care				
6. Dealing With Emergencies				
7. Guardianship Estate Issues				
8. Cooking and Nutrition				
9. Home Repairs and Maintenance				
10.				
11.				
12.				

Student SS#_ _ _-_ _-_ _ _ _ School ID#____Developer_____Title/Relation_____
Comments:

INSTRUCTIONS - WRITE UPCOMING SCHOOL YEAR AND OR/YEARS TO GRADUATION IN THE BOX OVER THE FIRST COLUMN. CHECK OR WRITE IN PROGRAMS NEEDED FOR THE UPCOMING YEAR. PLAN AHEAD BY USING THE SECOND, THIRD, AND FOURTH COLUMN FOR EACH YEAR UP TO PROJECTED GRADUATION. USE A SECOND SHEET, IF NECESSARY.

TRANSITION ACTIVITIES RELATED TO COMMUNITY PARTICIPATION - THESE ARE ACTIVITIES DESIGNED TO HELP THE STUDENT ENRICH LEISURE TIME, SOCIAL RELATIONSHIPS, CITIZENSHIP, AND SPIRITUAL DEVELOPMENT

Transportation Training - Programs designed to help the student use public transportation and/or to safely operate an automobile.

Community Awareness - Programs designed to acquaint the student with the use of community resources such as libraries, social services, etc.

Leisure Skills - Programs designed to help the student learn new recreational skills and identify recreational programs in the community.

Shopping Skills - Programs designed to teach the student to do comparison shopping, locate appropriate stores, and use credit responsibly.

Physical Fitness - Programs designed to teach the student how to maintain fitness through different kinds of regular exercise and use of community resources for fitness programs.

Sexuality and Relationships - Programs designed to teach the student how to date, birth control, and appropriate expressions of sexuality.

Emotional Awareness - Programs designed to teach the student appropriate ways of dealing with emotions such as anger, fear, etc.

Self-Advocacy and Assertion - Programs designed to teach the student what his or her rights are and how to stand up for them without becoming aggressive.

Club/Group Membership - Programs designed to expose the student to clubs and organizations related to his or her interests.

Political Awareness - Programs designed to teach the student to follow current events, make political choices, become involved in the political process and vote.

TRANSITION ACTIVITIES RELATED TO COMMUNITY PARTICIPATION	CHECK BOX OR DESCRIBE TRANSITION ACTIVITIES NEEDED - PLAN AHEAD, IF POSSIBLE			
	____school year or ___yrs to graduation	____school year or ___yrs to graduation	____school year or ___yrs to graduation	____school year or ___yrs to graduation
1. Transportation Training	☐	☐	☐	☐
2. Community Awareness	☐	☐	☐	☐
3. Leisure Skills Development	☐	☐	☐	☐
4. Shopping Skills	☐	☐	☐	☐
5. Physical Fitness	☐	☐	☐	☐
6. Sexuality and Relationships	☐	☐	☐	☐
7. Emotional Awareness	☐	☐	☐	☐
8. Self-Advocacy and Assertion	☐	☐	☐	☐
9. Club/Group Memberships	☐	☐	☐	☐
10. Political Awareness	☐	☐	☐	☐
11.	☐	☐	☐	☐
12.	☐	☐	☐	☐

Student SS#_ _ _-_ _-_ _ _ _ School ID#____Developer_____Title/Relation

Comments:

INSTRUCTIONS - NOTE WHICH ASSESSMENTS OR REFERRALS ARE NEEDED AND WHEN THEY ARE NEEDED IN THE APPROPRIATE COLUMNS. AT THE IEP OR TRANSITION MEETING ASSIGN RESPONSIBILITY FOR EACH ASSESSMENT OR REFERRAL. THE TEAM LEADER SHOULD FOLLOW-UP TO SEE THAT ASSIGNMENTS ARE CARRIED OUT.

DEFINITION OF ASSESSMENT TERMS (alphabetized)

Employability Assessment - This is an assessment which looks at specific skills and interests of the student for comparison with specific job requirements.

Functional Skills Assessment - This is an assessment that looks at specific skills of the student in regard to self-care, residential living, and community participation.

Future Planning - This is planning similar to that done on Form 1 of this plan, with additional questions and guidelines to help parents visualize what the student will do in adult life.

Medical Evaluation - This includes evaluation of medical conditions which may relate to the student's ability to work or live independently.

Money Skills Assessment - This is an evaluation of the student's ability to handle money, make purchases, use checking and savings accounts, use credit, and create and use a budget.

Psychological Evaluation - This includes evaluations of the student's ability to learn, manage emotions, and perform tasks involving organization.

Social Assessment - This includes evaluations, usually done by social workers, of student support from friends, family, the community, and other relationships.

REFERRAL TERMS (alphabetized)

Case Management - This is a term that is used both in mental health and MR/DD which refers to a person who assists the family in identifying and obtaining services related to a given disability. These services are obtained by referral for mental health or MR/DD services.

Income Support - Students with substantial disabilities may be eligible for income supports, even before leaving home. Eligibility is generally limited to students with few assets. MR/DD also may assist the family through family resource monies if the student is MR/DD eligible.

Job Training Partnership - Also known as the Private Industry Council, JTP programs provide training and subsidized wages for low-income students who need work experience or summer jobs.

Medicaid/Medicare - Students eligible for SSI/SSA income supports are usually eligible for Medicaid or Medicare which will help pay medical expenses and some expenses related to care.

Mental Health Services - Mental health services are usually obtained by contacting the local mental health center or child guidance center which assesses and refers the student to the appropriate program for counseling, treatment of substance abuse, or psychiatric rehabilitation.

Rehabilitation Services - also known as the Bureau of Vocational Rehabilitation (BVR) rehabilitation services are available to nearly all students with disabilities. Their primary emphasis is on

ASSESSMENTS AND REFERRALS FORM				
ASSESSMENTS	**Needed?**	**When?**	**Person Responsible**	**Date Complete/Comments**
1. Psychological Evaluation				
2. Medical Evaluation				
3. Employability Assessment				
4. Future Planning with Parents				
5. Money Skills Assessment				
6. Social Assessment				
7. Functional Skills Assessment				
8.				
REFERRALS	**Needed?**	**When?**	**Person Responsible**	**Date Completed/Comments**
1. Social Security Number				
2. Income Support (SSI/SSDI, etc.)				
3. Medicaid/ Medicare				
4. Rehabilitation Services				
5. Board of MR/DD				
6. Mental Health Services				
7. Case Management				
8. Job Training Partnership				
9.				

Name_____Student SS# _ _ _-_ _-_ _ _ _ School ID#____Meeting Date_____

Comments:

APPENDIX C

NOTICE TO PARENTS

NOTICE REGARDING COMMUNITY BASED VOCATION INSTRUCTION PROGRAM

This is to notify you that the vocational training experiences and goals listed in this Individual Education Program will occur in businesses in the community. I understand that vocational, functional academic, social, communication and adaptive behavior skills training will occur in the community. I further understand that my son/daughter will not be entitled to wages or workman's compensation during training experiences nor entitled to a job at one of the training sites at the conclusion of the community based vocation instruction program.

_____

parent/guardian

_____

date

APPENDIX D

CHECKLIST FOR ITP MEETING

CHECKLIST FOR INITIAL ITP MEETING

A. Activities Prior:

* schedule family training sessions
* disseminate fact sheet/information sheet
* schedule families to observe other ITP meetings (with consent)
* send notification letter

B. Activities During:

* review purpose
* answer questions
* discuss Personal Futures Planning
* address planning menu areas
* negotiate desired adult outcomes
* identify training issues and family support issues
* develop action steps that promote information dissemination and follow through activities

C. Activities After:

* assemble family information handbook
* schedule family training opportunities
* survey family for feedback on process and meeting

CHECKLIST FOR UPDATED ITP MEETING

A. Activities Prior:

* disseminate family information
* contact family to discuss ITP meeting participants
* send notification letter

B. Activities During:

* review focus of transition planning
* answer questions
* review recommendations and status of action steps form expiring ITP

* revisit Personal Futures Plan
* address planning menu areas
* negotiate desired adult outcomes
* identify training issues, family support issues and agency resources
*identify additional participants for the next ITP meetings

C. Activities After:

* add appropriate materials to the family handbook
* provide directory of service providers
* schedule family opportunities
* survey family for feedback

CHECKLIST FOR EXITING ITP MEETING

A. Activities Prior:

* contact family to identify issues and/or concerns that need to be addressed
* contact family to discuss ITP meeting participants
* send notification letter

B. Activities During:

* introduce any new participants
* review recommendations and status of action steps from expiring ITP
* identify training issues, family support issues
* develop action steps that promote decision making that is future oriented, as well as follow through activities

C. Activities After:

* add appropriate materials
* survey family for feedback

APPENDIX E

NON-BINDING STATEMENT OF UNDERSTANDING

P R O J E C T S E T S

Supported
Employment
Transition
Services

SCHOOL AND PARTICIPATING AGENCY AGREEMENT
COMMUNITY-BASED VOCATIONAL INSTRUCTION PROGRAM

NON-BINDING STATEMENT OF UNDERSTANDING

_____ AND _____
Local School System Participating Agency

PURPOSE: The setting at _____ (name of business, herein cited as Business) will provide students with disabilities an opportunity to experience and perform meaningful vocational practice skills in a natural environment. During his participation in community based vocational training, a student will have many training experiences as part of his career development. He will receive training in vocational, functional academics, social and adaptive behavior skills in the community.

BUSINESS: No immediate advantage will be derived by the Business. Although students will be under final supervision by the assigned school staff, an employee of the Business may be asked to work with a student trainee. It is understood that the student trainees may occasionally impede or interfere with an employee's completion of his job duties. Employees will not suffer job loss or reduction of hours due to student training at the Business. No activity performed by the students while training is guaranteed to be stardard quality, nor is it guaranteed to be completed by the end of each training period.

STUDENTS: All students working at Business and enrolled in the community-based instructional program at _____
school
will be accompanied to the Business by certified teachers/paraprofessionals employed by the _____ School System.

LIABILITY: All students will be covered under school liability insurance. Students are not employees and workmen's compensation will not be required. The students are working on an IEP and therefore the school system is directly responsible.

TIME: Days and hours will be agreed upon by the Business and the

BEST COPY AVAILABLE

Special Education teacher.

REMUNERATION: All students participating at the Business will be considered in a classroom vocational program and therefore will not be employees. No renumeration is requested. Students and their parents have received notice and are aware of the training nature of this activity.

WORK SITES: The exact type of work and location of the work station will be agreed upon by the Business and the Special Education teacher after a comprehensive work inventory is completed by the special education teacher.

EMPLOYMENT: The Business is under no obligation to hire any student participant in this program.

We, the undersigned, as representatives of our agency or business agree to abide by the statements listed above. We understand that this agreement may be canceled by either party upon notice to the other.

_____
Special Education Teacher

_____
Special Education Consultant

_____
Business Representative

Business Address:

_____
Name

_____
Street

_____
City, State, Zip

_____
Phone

APPENDIX F

INFORMATION FROM SOCIAL SECURITY
REGARDING WORK INCENTIVES

SSI/SSDI Work Incentives

Program Overview

Administering Agency: Social Security Administration

Mission of Program

The Mission of this program is to help persons who are disabled or blind to return to work and protect their status and their entitlement to cash payments and/or Medicaid or Medicare protection until they can reasonably be expected to pay their own way and buy their own health insurance protection.

Eligibility for Services

Persons who qualify to receive SSI/SSDI work incentives must be eligible to receive SSI or SSDI benefits. Specific eligibility criteria are required for each program.

Scope of Services

SSI/SSDI work incentives provide or continue eligibility for cash payments and/or Medicare/Medicaid coverage. The work incentives available to qualified persons include Section 1619a and 1619b, impairment-related work expenses, continued payment to individuals under a vocational rehabilitation plan, trial work period, extended period of eligibility, continuation of Medicare coverage, and Plan for Achieving Self-Support.

Effectiveness of Services

SSI/SSDI work incentives have reduced the risks of losing income of medical coverage for many persons who return to work. Disincentives still exist for some individuals who would like to work.

Section 1619a and 1619b

Program Overview

Administering Agency: Social Security Administration

Enabling Legislation: Employment Opportunities for Disabled Americans Act (P.L. 99-643), July 1, 1987

Mission of the Program

The mission of the program is to assist SSI recipients with returning to work by easing the transition between being on disability payments and Medicaid and being self-supporting.

Eligibility for Services

Section 1619a provides cash benefits to SSI recipients engaged in substantial gainful activity (SGA) if they continue to have the original disabling condition and currently meet the income and resource requirements. Qualified persons continue to receive cash benefits unless the mental or physical impairment improves or the benefits are terminated for a reason other than the disability. SSI is reinstated if income levels fall below SGA and eligibility criteria for SSI are met.

Section 1619b provides Medicaid coverage for SSI recipients under age 65 who are disabled or blind if their earnings are too high to receive SSI cash payments. To be eligible for Medicaid, a person must (1) have a disabling condition or continue to be blind, (2) need Medicaid in order to work, (3) not be able to afford benefits equivalent to SSI and Medicaid coverage, and (4) meet all nondisability-related requirements for SSI other than earnings. Qualified persons continue to receive Medicaid coverage until their earnings reach a substantially higher level which takes into account their ability to afford medical care and normal living expenses.

Scope of Services

Section 1619a provides special SSI cash benefits to individuals with disabilities "who lose eligibility for SSI payments under the regular rules because they have earnings at the level that ordinarily is considered to represent SGA ($300). Section 1619b provides special SSI recipient status for Medicaid purposes to working disabled or blind individuals when their earnings make them ineligible for further cash payments."

Effectiveness of Services

Section 1619 was established to help persons with disabilities become self-supporting. Previously, SSI recipients who earned SGA faced the risk of losing cash benefits and Medicaid coverage even if their total income and resources were within the SSI need criteria. The increased numbers of persons participating in Section 1619a and 1619b benefits reflects the program's success in helping persons with disabilities work and become self-supporting.

One measure of program effectiveness is a positive correlation between Section 1619 participation and employment initiatives for persons with severe disabilities.

Persons receiving Medicaid benefits under Section 1619b are reviewed periodically for redetermination of eligibility. Those claims which fit a criteria for screening due to their

Scope of Services

Persons under a vocational rehabilitation plan can continue receiving Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) payments after they are no longer disabled on the basis of medical recovery if they are participating in an approved State vocational rehabilitation plan at the time that the disability ceases.

Extent of Services

No data available.

Effectiveness of Services

Program effectiveness data needs to be collected on the percentage of total SSI/SSDI recipients who return to work and receive continued payment while participating in a vocation rehabilitation plan.

Documentation

Social Security Administration. (1988). A Summary Guide to Social Security and Supplemental Security Income Work Incentives for the Disabled and Blind (SSA Publication No. 64-030). Baltimore, MD: Social Security Administration, Office of Disability.

Impairment-Related Work Expenses

Program Overview

Administering Agency: Social Security Administration

Mission of Program

The mission of the program is to assist SSI/SSDI recipients with returning to work by easing the transition between being on disability payments and being self-supporting.

Eligibility for Services

Persons receiving SSI and SSDI benefits are eligible to deduct impairment-related work expenses. SSI recipients must first establish Federal SSI eligibility without the impairment-related work expense deductions. After eligibility is determined, persons receiving SSI benefits can exclude their work-related expenses to compute the amount of cash payment.

The person must pay for the items and services and not receive a reimbursement for the expenses by another source. Costs for items or services can only be deducted if they are needed by the individual in order to return to work.

Scope of Services

Persons who need impairment-related items and services in order to work can deduct these expenses from their earnings when determining substantial gainful activity (SGA) under Supplemental Security Income (SSI) and Social Security Disability Income (SSDI). Impairment-related expenses can also be excluded from earned income in determining the SSI monthly payment amount.

Expenses that are likely to be deducted include attendant care services, transportation costs, medical devices, prosthesis, work-related equipment and assistants, residential modifications, routine drugs and medical services, diagnostic procedures, nonmedical appliances and devices, expendable medical supplies, and costs for a seeing-eye dog. Specific types of services and items under each category are described.

Extent of Services

No data available.

Effectiveness of Services

Program effectiveness data needs to be collected on the percentage of total SSI/SSDI recipients who return to work and participate in the impairment-related work expense incentive program.

Documentation

Social Security Administration. (1988). A Summary Guide to Social Security and Supplemental Security Income Work Incentives for the Disabled and Blind. (SSA Publication No. 64-030). Baltimore, MD: Social Security Administration, Office of Disability.

Trial Work Period

Program Overview

Administering Agency: Social Security Administration

Mission of Program

The mission of the program is the assist SSDI recipients with returning to work by easing the transition between being on disability payments and being self-supporting.

Eligibility for Services

Persons who are receiving SSDI benefits are entitled to a trial work period beginning the date that a claim is filed or the month of entitlement, whichever comes first.

Scope of Services

Persons receiving Supplemental Security Disability Income (SSDI) can work for a period of nine months and continue receiving full disability benefits. The purpose of the program is to allow SSDI recipients the opportunity to test their ability to work without losing their medical and financial benefits.

SSDI recipients receive a month of work credit for every month that the individual's earnings are over $75.00 a month. A person who is self-employed receives one work credit for every month of fifteen hours of work. The trial work period is completed when nine work credits are accumulated. The nine months do not have to be consecutive. At the end of the trial work period, determination is made as to whether the individual can do substantial gainful activity as defined by earnings over $300.00 a month. Determination decisions are made by the Social Security Administration. Benefits are paid for three months following a decision that the individual is no longer disabled and is ineligible to receive SSDI cash payments.

Extent of Services

No data available.

Effectiveness of Services

Program effectiveness data needs to be collected on the percentage of total SSDI recipients who return to work and participate in the trial work period incentive program.

Documentation

Social Security Administration. (1988). A Summary Guide to Social Security and Supplemental Security Income Work Incentives for the Disabled and Blind. (SSA Publication No. 64-0303). Baltimore, MD: Social Security Administration. Office of Disability.

Extended Period of Eligibility

Program Overview

Administer Agency: Social Security Administration

Mission of Program

The mission of the program is to assist SSDI recipients with returning to work by easing the transition between being on disability payments and being self-supporting.

Eligibility for Services

SSDI recipients who have completed a nine-month trial work period and are determined by the Social Security Administration to no longer be disabled because their earnings exceed SGA level are eligible for an extended period of eligibility. The extended period of eligibility begins the month after the trial work period needs.

Scope of Services

Social Security Disability Income (SSDI) recipients who have completed a nine-month trial work period are provided with a thirty-six-month period in which benefits can be reinstated should earnings fall below the substantial gainful activity (SGA) level. Benefits are reinstated during this time without need for a new application, disability determination, or any waiting period. A new application for SSDI benefits would have to be completed during any month that the individual's earnings fall below SGA level after the thirty-six months are up.

Extent of Services

No data available.

Effectiveness of Services

Program effectiveness data needs to be collected on the percentage of total SSDI recipients who return to work and participate in the extended period of eligibility incentive program.

Documentation

Social Security Administration. (1988). A Summary Guide to Social Security and Supplemental Security Income Work Incentives for the Disabled and Blind. (SSA Publication No. 64-030). Baltimore, MD: Social Security Administration, Office of Disability.

Continuation of Medicare Coverage

Program Overview

Administering Agency: Social Security Administration

Mission of Program

The mission of the program is to assist SSDI recipients with returning to work by easing the transition between receiving disability benefits and being self-supporting.

Eligibility for Services

SSDI recipients who are engaging in SGA and have not medically recovered are eligible to receive continued Medicare coverage.

Scope of Services

Persons qualifying for SSDI benefits who are engaging in substantial gainful activity (SGA) and who have not medically recovered can continue to receive Medicare benefits for thirty-nine months after completing a trial work period.

Medicare coverage is provided for qualified persons during the thirty-six month benefit reinstatement period after a trial work period is completed and for an additional three months after that. Medicare coverage may continue for a longer period of time if earnings fall below SGA for any of the thirty-nine months. Medicare coverage is terminated if a person's disability entitlement ends due to reasons other than engaging in SGA.

Extent of Services

No data available.

Effectiveness of Services

Program effectiveness data needs to be collected on the percentage of total SSDI recipients who return to work and participate in the continued Medicare coverage incentive program.

Documentation

Social Security Administration. (1988). A Summary Guide to Social Security and Supplemental Security Income Work Incentives for the Disabled and Blind (SSA Publication No. 64-030). Baltimore, MD: Social Security Administration, Office of Disability.

Plans for Achieving Self-Support

Program Overview

Administering Agency: Social Security Administration

Mission of Program

The mission of the program is to assist SSI and SSDI recipients with returning to work by easing the transition between receiving disability benefits and being self-supporting.

Eligibility for Services

Persons who are blind or disabled can have a plan. "The individual must have a feasible work goal, a specific savings/spending plan, and must provide a clearly identifiable accounting for the funds which are set aside. The plan must be in writing and have a specific time frame. The individual must then follow the plan and negotiate revisions as necessary" (Social Security Administration, 1988). Social Security representatives, vocational rehabilitation counselors, social workers, or employers can assist an individual with developing a plan.

Scope of Services

Plans for Achieving Self-Support (PASS) allow persons to set aside income or resources for a specific period of time for the purpose of establishing or maintaining Supplemental Security Income (SSI) eligibility, accomplishing a work goal, or increasing SSI payments.

The purpose of the program is to assist qualified persons with becoming self-supporting by allowing them to save money towards work without risking the loss of medical or financial benefits under the income or resource restrictions.

Qualified persons can set aside income and resources for a period of time for a specific work goal such as education, vocational training, starting a business, or to purchase work equipment. The income that is set aside is not included in SSI income and resource tests and does not affect substantial gainful activity determination (SGA). SSI eligibility can be maintained or established and SSI payments can be increased with the use of PASS.

Persons receiving Supplemental Security Disability Income (SSDI) can set aside SSDI money under a PASS plan which may make them eligible for SSI benefits.

Extent of Services

No data available. An informal, verbal survey suggests that roughly 1,000 persons nationwide have an active PASS plan.

Effectiveness of Services

Program effectiveness data needs to be collected on the percentage of total SSI recipients who return to work and participate in the PASS incentive program.

Documentation

Social Security Administration. (1988). A Summary Guide to Social Security and Supplemental Security Income Work Incentives for the Disabled and Blind (SSA Publication No. 64-030). Baltimore, MD: Social Security Administration, Office of Disability.

WHAT GOALS CAN BE PURSUED??

* Adminsistratvie Assistant
* Automotive Assistant
* Certified Public Accountant
* Chef
* Clerical Aid
* Computer Operator
* Floral Designer
* Food Preparation Worker
* Housekeeper
* Landscape Worker
* Musician
* Nursing Assistant
* Receptionist
* Telemarketing Specialist
* Vocational Rehabilitation Counselor

WHAT CAN A PASS COVER?

* Tools, conputers, uniforms, equipment, supplies, and money to start a business
* Tuition, books and supplies or services for school or training
* Modifications to home or car because of disability
* Cost of transportation (including purchase and operation of a vehicle)
* Job coach, medical care, attendant care, and child care
* Taxes (except income tax), permits, licenses, and finance charges

SSI: Title XVI Supplemental Security Income	SSDI: Title II Social Security Disability Insurance
* Welfare program based on need, no more than $2000 in assets for an individual	*insurance program based on age and number of quarters worked as well as wages
* No waiting period	* Usually a 5 month waiting period after onset of impairment
*Presumptive disability for up to six months	* No presumptive payments
* Retroactive only to the date of application	* Up to twelve months retroactivity
* Maximum benefit rate, payment determined by current income and work related expenses	* Benefit rate determined by work history
* Alcohol/drug addicts must have a representative payee	* No requirement for payee if determined capable
* Substantial Gainful Activity (SGA) test to establish initial eligibility: gross income of $500 or less per month (those with blindness are exempt from SGA test)	* Substantial Gainful Activity determinations required for eligibility and to maintain disability status for blind and non-blind
* No trial work period or extended period of eligibility- income from work is counted against benefit check after $65.00	* Trial Work Period ($200 or more per month for any nine months within a 60 month period; 36 month Extended Period of Eligibility in which payment is based on income below the SGA level
* Credit for IRWE	* Credit for IRWE
* Credit for PASS	* PASS can be written to establish SSI eligibility and SSDI used as the resource
* Credit for BWE	
* Credit for Student Earned Income	* Credit for Subsidy
* Medicaid is provided with SSI eligibility	* Medicare is provided with eligibility after a 24 month waiting period

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1994 RATES

INDIVIDUAL, FULL BENEFIT.....$446.00 PER MONTH

INDIVIDUAL, IN-KIND SUPPORT.....$295.00 PER MONTH

COUPLE, BOTH SSI ELIGIBLE.....$669.00 PER MONTH

WORKSHEET FOR CALCULATING SSI BENEFITS

STEP 1.
$_____ UNEARNED INCOME
- 20.00 GENERAL EXCLUSION
$_____ COUNTABLE UNEARNED INCOME

STEP 2.
$_____ EARNED INCOME (MONTHLY GROSS WAGES)
- 65.00 EARNED INCOME INCLUSION
$_____ COUNTABLE EARNED INCOME

STEP 2A.
- _____ SUBTRACT IRWE EXPENSES
$_____ TOTAL COUNTABLE EARNED INCOME

÷ 2 DIVIDE BY TWO
$_____ REVISED COUNTABLE EARNED INCOME

STEP 3.
$_____ COUNTABLE UNEARNED INCOME
+ _____ REVISED COUNTABLE EARNED INCOME
$_____ TOTAL COUNTABLE INCOME (BOTH EARNED AND UNEARNED)

STEP 3A.
- _____ MINUS PASS EXPENSES
$_____ TOTAL COUNTABLE INCOME

STEP 4.
$_____ FEDERAL BENEFIT RATE ($434.00 OR $286.00)
- _____ MINUS TOTAL COUNTABLE INCOME
$_____ SSI MONTHLY BENEFIT

STEP 5.
$_____ UNEARNED INCOME
_____ EARNED INCOME
+ _____ SSI BENEFIT
$_____ TOTAL USABLE INCOME

- _____ MINUS PASS AND/OR IRWE EXPENSES
$_____ TOTAL INCOME TO BE USED FOR LIVING EXPENSES

Regulations, Part 527: Employment of Student Workers

Title 29, Part 527 of the
Code of Federal Regulations

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

WH Publication 1024
Reissued March 1980

This publication conforms to the Code of Federal Regulations as of February 12, 1980, the date this reprint was authorized.

PART 527—EMPLOYMENT OF STUDENT WORKERS

Sec.

527.1 Applicability of the regulations contained in this part.
527.2 Definitions.
527.3 Application for a student-worker certificate.
527.4 Procedure for action upon an application.
527.5 Conditions governing issuance of a student-worker certificate.
527.6 Terms and conditions of employment under student-worker certificates.
527.7 Employment records to be kept.
527.8 Amendment or replacement of a student-worker certificate.
527.9 Amendment to the regulations in this part.

AUTHORITY: Sec. 14, 52 Stat. 1068, as amended; 29 U.S.C. 214.

SOURCE: 20 FR 7737, Oct. 14, 1955, unless otherwise noted.

§ 527.1 Applicability of the regulations contained in this part.

The regulations contained in this part are issued under section 14 of the Fair Labor Standards Act of 1938, as amended, to provide for the employment under special certificates of student-workers at wages lower than the minimum wage applicable under section 6 of the act. Such certificates shall be subject to the terms and conditions hereinafter set forth.

§ 527.2 Definitions.

As used in the regulations contained in this part: A "student-worker" is a student who is receiving instruction in an educational institution and who is employed on a part-time basis in shops owned by the educational institution, for the purpose of enabling the student to defray part of his school expenses.

§ 527.3 Application for a student-worker certificate.

(a) Whenever the employment of student-workers as learners at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, is believed necessary to prevent curtailment of opportunities for employment in a specified educational institution, an application for a special certificate authorizing the employment of such student-workers as learners at subminimum wage rates may be filed by an appropriate official of the educational institution with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D.C. 20210. A copy of such application shall be filed simultaneously with the appropriate Regional Office of the Division.

(b) Application must be made on the official form furnished by the Division and must contain all information required by such form, including among other things, the industries and occupations within each industry in which the student-workers are to be employed as learners, the number of student-workers requested, their proposed hourly rates and learning periods in number of hours, the number of full-time experienced workers in such occupations and their straight-time average hourly earnings during the past year, and a description of the products being manufactured in the school-operated industry. Any applicant may also submit such additional information as may be pertinent.

(c) Any application which fails to present the information required by the forms may be returned to the applicant with a notation of deficiencies and without prejudice against submission of a new or revised application.

§ 527.4 Procedure for action upon an application.

(a) Upon receipt of an application for the employment of student workers as learners, the Administrator or his authorized representative shall issue or deny a special certificate. To the extent he deems appropriate, the Administrator or his authorized representative may provide an opportunity to other interested persons to present data and views on the application prior to granting or denying a student-worker certificate.

(b) If a student-worker certificate is issued, it shall be mailed to the educational institution. If a student-worker certificate is denied, notice of such denial shall be sent to the educational institution and such denial shall be without prejudice to the filing of a subsequent application.

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necessary by reason of the amendment of the regulations in this part, or may withdraw a student-worker certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificate.

§ 527.9 Amendment to the regulations in this part.

The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of the regulations contained in this part.

Regulations, Part 528: Annulment or Withdrawal of Certificates for . . . Employment . . . at Subminimum Wage Rates

Title 29, Part 528 of the
Code of Federal Regulations

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

WH Publication 1025
(Revised August 1978)

PART 528—ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR THE EMPLOYMENT OF STUDENT-LEARNERS, APPRENTICES, MESSENGERS, HANDICAPPED WORKERS, STUDENT-WORKERS, AND FULL-TIME STUDENTS IN AGRICULTURE, INSTITUTIONS OF HIGHER EDUCATION, OR RETAIL OR SERVICE ESTABLISHMENTS AT SUBMINIMUM WAGE RATES

Sec.

528.1 Applicability of the regulations in this part.
528.2 Definition of terms.
528.3 Withdrawal and annulment of certificates.
528.4 According opportunity to demonstrate or achieve compliance.
528.5 Proceedings for withdrawal or annulment.
528.6 Review.
528.7 Effect of order of annulment or withdrawal.

AUTHORITY: Sec. 14, 52 Stat. 1068, as amended; 29 U.S.C. 214.

§ 528.1 Applicability of the regulations in this part.

The regulations in this part shall govern the annulment or withdrawal of any certificate except a temporary certificate issued pending final action on an application, issued pursuant to Parts 519, 520, 521, 522, 523, 524, and 527 of this chapter, and having effect under section 14 of the Fair Labor Standards Act of 1938.

[27 FR 3994, Apr. 26, 1962]

§ 528.2 Definition of terms.

As used in the regulations contained in this part, the term:

(a) "Withdrawal" shall mean termination of validity of a certificate with prospective effect from the time of the action of withdrawal.

(b) "Annulment" shall mean withdrawal of a certificate with retroactive effect to the date of issuance.

(c) "Authorized representative" shall mean: (1) The Assistant Regional Administrators for the Wage and Hour Division (who are authorized to redelegate this authority) within their respective regions, and (2) the Caribbean Director of the Wage and Hour Division for the area covered by the Caribbean office.

(d) "Area director" shall include any area director of the Wage and Hour Division.

[21 FR 5316, July 17, 1956, as amended at 28 FR 11231, Oct. 19, 1963; 33 FR 4535, Apr. 30, 1968; 43 FR 28469, June 30, 1978]

§ 528.3 Withdrawal and annulment of certificates.

(a) An authorized representative may withdraw a certificate from any employer within that representative's region who, acting under color of any certificate or application for the employment of learners, handicapped workers, student-workers, student-learners, apprentices, messengers, or full-time students in agriculture, retail, or service establishments, or in institutions of higher education at subminimum wages under section 14 of the act, fails to comply with the limitations in such certificate or otherwise violates the act.

(b) An authorized representative may annul a certificate affected by mistake in its issuance if the employer knowingly induced or knowingly took advantage of the mistake. Where the employer did not knowingly induce the mistake but knowingly took advantage of it, a new certificate shall be issued by the authorized representative if, and on such terms as, such certificate would have been issued had there been no mistake limited in its term from the date of issuance to the date of annulment of the annulled certificate.

(c) A certificate may be withdrawn in the public interest by a representative authorized to issue such type of certificate whenever any part of the exemption it provides is no longer necessary to prevent curtailment of opportunities for employment. If appropriate, a more limited replacement certificate may be issued by the authorized representative.

[33 FR 4535, Apr. 30, 1968, as amended at 43 FR 28469, June 30, 1978]

§ 528.4 According opportunity to demonstrate or achieve compliance.

Prior to instituting procedures for withdrawal of a certificate under paragraph (a) of § 528.3, except in cases of willfulness, an area director shall mail a letter to the employer setting forth alleged facts or conduct which may warrant

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withdrawal of the certificate, and fixing a time and a place for a conference at which the employer shall be accorded an opportunity to show that no cause for withdrawal under § 528.3(a) exists or that compliance has been achieved by paying wages improperly withheld and by taking steps adequate to insure that new cause for annulment or withdrawal will not occur. By written report to the appropriate authorized representative, a copy of which shall be mailed to the employer, the area director shall concisely summarize the conference and shall include conclusions as to whether the employer demonstrated or achieved compliance. If the authorized representative is satisfied that the employer either demonstrated or achieved such compliance, no proceedings shall be instituted under § 528.3(a) for the withdrawal of the certificate.

[33 FR 4535, Apr. 20, 1968, as amended at 43 FR 28469, June 30, 1978]

§ 528.5 Proceedings for withdrawal or annulment.

The representative authorized to withdraw or annul a certificate under § 528.3 shall institute proceedings by a letter mailed to the employer and, where appropriate, to the apprenticeship agency (in the case of apprentice certificates) or the responsible school official (in the case of student-learner certificates), setting forth alleged facts which may warrant such annulment or withdrawal and advising the employer that such an annulment or withdrawal of the scope provided in § 528.7 will take effect at a time specified unless facts are presented which convince the authorized representative that such action should not be taken. The letter shall advise such person, agency, or official of the right to respond by mail or to appear by or with counsel or by other duly qualified representative at a specified time and place. If there is no timely objection to the withdrawal or annulment thus proposed, it shall be deemed effective according to the terms of the letter instituting the annulment or withdrawal proceeding without the necessity of any further action. If objection to the annulment or withdrawal as proposed is made within the specified time the further proceedings shall be as informal as practicable commensurate with orderly dispatch and fairness. Department of Labor investigation files or reports or portions thereof may be considered in such proceedings to the extent they are made available for examination during the proceedings. If objection to the proposed annulment or withdrawal is made by such specified time, the authorized representative shall, after considering all pertinent matters presented, mail a letter to the employer and, where appropriate, to the apprenticeship agency or the responsible school official, setting out that representative's findings of specific pertinent facts and conclusions and that representative's order concerning the proposed annulment or withdrawal. In proceedings instituted for annulment, the order may provide for withdrawal instead of annulment if the proof warrants such withdrawal but fails to support adequately the annulment. Such an order shall be deemed issued and effective according to its terms when mailed.

[22 FR 5683, July 18, 1957, as amended at 43 FR 28469, June 30, 1978]

§ 528.6 Review.

Any employer and, when appropriate, any apprenticeship agency or responsible school official, who expressed timely objection to the proposed action prior to issuance of an order of annulment or withdrawal may obtain review, limited to the question of whether the findings of fact support the order under the regulations in this part. Application for such review shall be in writing addressed to the Administrator and mailed within 15 days after the order is issued. The Administrator may affirm, modify, or reverse the order, or may remand it for further proceedings. The order under review shall not be stayed in effect pending such review. Any aggrieved person may obtain such review of an order entered in proceedings instituted under paragraph (c) of § 528.3.

[21 FR 5316, July 17, 1956, as amended at 22 FR 5683, July 18, 1957]

§ 528.7 Effect of order of annulment or withdrawal.

Except as otherwise expressly provided in such order, any order of annulment or withdrawal under paragraph (a) or (b) of § 528.3 shall be effective to terminate all certifications to which the regulations in this part apply in effect at the establishment where the cause for

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withdrawal arose or where the annulled certificate had effect. After such annulment or withdrawal, such employer shall be ineligible to obtain or exercise the privileges granted in such a certificate until that employer satisfies the issuing representative that that employer will not again give cause for annulment or withdrawal if a certificate is issued.

[21 FR 5316, July 17, 1956, as amended at 43 FR 28469, June 30, 1978]

GPO 933 70

Regulations, Part 519: Employment of Full-time Students at Subminimum Wages

Title 29, Part 519 of the
Code of Federal Regulations

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

WH Publication 1223
Revised June 1985

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS AT SUBMINIMUM WAGES

Subpart A—Retail or Service Establishments, and Agriculture

Sec.
519.1 Applicability of the regulations in this subpart.
519.2 Definitions.
519.3 Application for a full-time student certificate.
519.4 Procedure for action upon an application.
519.5 Conditions governing issuance of full-time student certificates.
519.6 Terms and conditions of employment under full-time student certificates and under temporary authorization.
519.7 Records to be kept
519.8 Amendment or replacement of a full-time student certificate.
519.9 Reconsideration and review.
519.10 Amendment or revocation of the regulations in this subpart.

Subpart B—Institutions of Higher Education

Sec.
519.11 Applicability of the regulations in this subpart.
519.12 Definitions.
519.13 Application for a full-time student certificate.
519.14 Procedure for action upon an application.
519.15 Conditions governing issuance of full-time student certificates.
519.16 Terms and conditions of employment under full-time student certificates and under temporary authorization.
519.17 Records to be kept.
519.18 Amendment or replacement of a full-time student certificate.
519.19 Reconsideration and review.
519.20 Amendment or revocation of the regulations in this subpart.

AUTHORITY: Secs. 11 and 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; secs. 301 and 602, 80 Stat. 843, 844 (29 U.S.C. 211, 214).

SOURCE: 40 FR 6329, Feb. 11, 1975, unless otherwise noted.

Subpart A—Retail or Service Establishments, and Agriculture

§ 519.1 Applicability of the regulations in this subpart.

(a) *Statutory provisions.* Under section 14 of the Fair Labor Standards Act of 1938, as amended, and the authority and responsibility delegated to him, her by the Secretary of Labor (36 FR 8755) and by the Assistant Secretary for Employment Standards (39 FR 33841) the Administrator of the Wage and Hour Division is authorized and directed, to the extent necessary in order to prevent curtailment of opportunities for employment, to provide by regulation or order for the employment, under certificates, of full-time students in retail or service establishments, or in agriculture. That section contains provisions requiring a wage rate in such certificates of not less than 85 percent of the minimum wage applicable under section 6 of the Act, limiting weekly hours of employment, stipulating compliance with the applicable child-labor standards, and safeguarding against the reduction of the full-time employment opportunities of employees other than full-time students employed under certificates.

(b) *Source of limitations.* Some of the limitations in this subpart are specifically required in section 14(b) of the Act. The other limitations implement the provisions in that section relating to employment opportunities, i.e., the "extent necessary to prevent curtailment of opportunities for employment" and the avoidance of a "substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized" under section 14(b) is applicable.

[40 FR 6329, Feb. 11, 1975; 40 FR 22546, May 23, 1975]

§ 519.2 Definitions.

(a) *Full-time students.* A "full-time student" for the purpose of this subpart is defined as a student who receives primarily daytime instruction at the physical location of a bona fide educational institution, in accordance with the institution's accepted definition of a full-time student. A full-time student retains that status during the student's Christmas, summer and other vacations. An individual who was such a student immediately prior to vacation will be presumed not to have discontinued such status during vacation if local law requires his/her attendance at the end of the vacation. In the absence of such requirement his/her status during vacation will be governed by his/her intention as last communicated to his/her employer. The phrase in section 14(b) of the statute "regardless of age but in compliance with applicable child-labor laws," among other things, restricts the employment in a retail or service establishment to full-time students who are at least 14 years of age because of the application of section 3(l) of the Act. There is a minimum age requirement of 16 years in agriculture for employment during school hours and in any occupation declared hazardous by the Secretary of Labor (Subpart E-1 of Part 570 of this Title.) In addition, there is a minimum age restriction of 14 years generally for employment in agriculture of a full-time student outside school hours for the school district where such employee is living while so employed, except (1) minors 12 or 13 years of age may be employed with written parental or guardian consent or they may work on farms where their parents or guardians are employed, and (2) minors under 12 may work on farms owned or operated by their parents or with parental or guardian consent on farms whose employees are exempt from tion 6 by section 13 (a)(6)(A) o Act.

(b) *Bona fide educational in tion.* A "bona fide educational in tion" is ordinarily an accredited tution. However, a school which accredited may be considered a fide educational institution" in e tional circumstances, such as whe school is too recently establish have received accreditation.

(c) *Retail or service establish* "Retail or service establish means a retail or service establis as defined in section 13(a)(2) Fair Labor Standards Act. The tory definition is interpreted in 779 of this chapter.

(d) *Agriculture.* "Agriculture" agriculture as defined in section the Fair Labor Standards Act statutory definition is interpre Part 780 of this chapter.

(e) *Student hours of emplo* "Student hours of employ means hours during which st are employed under full-time s certificates issued under this pa is distinguished from "hours ployment of students".

(f) *Employer.* Section 519.4 p an agricultural or retail or ser tablishment employer to empl more than six full-time stude subminimum wages on forward application but before certif For this purpose, the term "em looks to the highest structure ership or control, and hence more than a single retail or se tablishment or farm, e.g., the ling conglomerate or enterpris be the "employer". With res public employers who operate service establishments (see Part 779), the "employer" me highest structure of control the State, municipality, co other political subdivision.

[40 FR 6329, Feb. 11, 1975, as amer FR 58745, Nov. 11, 1977; 43 FR 2 3, 1978]

§ 519.3 Application for a full-tim certificate.

(a) Whenever the employ full-time students working o school hours in agriculture retail or service establish wages lower than the minim cable under section 6 of the F Standards Act is believed to sary to prevent curtailment tunities for employment anc ment of them will not crea stantial probability of redu full-time employment opport the other workers, an applica certificate may be filed by ployer with the appropriate Office of the Wage and Hou (or the Denver, Colorado A for Colorado, North Dak South Dakota; the Salt L Utah area Office for Monta

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and Wyoming; and the Caribbean Office for the area it covers). Such application shall be signed by an authorized representative of the employer.

(b) The application must be filed in duplicate on official forms or exact copies thereof. The forms are available at the offices mentioned in paragraph (a) of this section. The application must contain the information as to the type of products sold or services rendered by the establishment, hours of employment during the preceding twelve-month period or data from previous certificates (or applications) as pertinent to the application, and other information for which request is made on the form.

(c) Separate application must be made for each farm or establishment in which authority to employ full-time students at subminimum wage rates is sought.

(d) Application for renewal of a certificate shall be made either on the same type of form as is used for a new application or on an alternate official form. No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed, and is received by the office specified in paragraph (a) of this section not less than 15 nor more than 30 days prior to the expiration date. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

§ 519.4 Procedure for action upon an application.

(a) Under certain conditions, an agricultural or retail or service establishment employer may obtain temporary authorization to employ full-time students at subminimum wages. These conditions are: (1) Attestation by the employer that he/she will employ no more than six full-time students at subminimum wages on any workday and that the employment of such students will not reduce the full-time employment opportunities of other persons, and (2) forwarding a properly completed application to the Wage and Hour Division not later than the start of such employment, and (3) posting a notice of such filing at the place(s) specified in paragraph (a) of § 519.6 of this subpart, and (4) compliance during the temporary authorization period with the requirements set forth in paragraphs (b) and (j) through (o) of § 519.6 of this subpart.

(b) Temporary authorization under the conditions set forth in paragraph (a) of this section is effective from the date the application is forwarded to the Wage and Hour Division in conformance with § 519.3 of this subpart. This authorization shall continue in effect for one year from the date of forwarding of the application unless, within 30 days the Administrator or his/her authorized representative denies the application, issues a certificate with modified terms and conditions, or expressly extends the 30-day period of review.

(c) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions specified in this subpart are satisfied. To the extent he she deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data, views, or argument on the application prior to granting or denying a certificate.

(d) Until April 30, 1976, if a certificate is issued, there shall be published in the FEDERAL REGISTER a general statement of the terms of such certificate together with a notice that, pursuant to § 519.9, for 45 days following such publication any interested person may file a written request for reconsideration or review. Thereafter, applications and certificates will be available for examination in accordance with applicable regulations in Washington, D. C., and in the appropriate Regional Office of the Wage and Hour Division (or the Denver, Colorado Area Office for Colorado, North Dakota, and South Dakota; the Salt Lake City, Utah Area Office for Montana, Utah, and Wyoming; and the Caribbean Office for the area it covers) for establishments in its area. A period of 60 days will be provided after certificate issuance during which any interested person may file a written request for reconsideration or review.

(e) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

[40 FR 6329, Feb. 11, 1975, as amended at 42 FR 58745, Nov. 11, 1977]

§ 519.5 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at subminimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at subminimum rates; the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The employment of more than six full-time students by an employer will not create a substantial probability of reducing the full-time employment opportunities for persons other than those employed under such certificates.

(c) Abnormal labor conditions as a strike or lockout do not ex the farm or establishment for wh full-time student certificate is re ed.

(d) The data given on the ap tion are accurate and based on able records.

(e) The farms or establishmer whose experience the applicant meet the requirements of para (h) of § 519.6.

(f) There are no serious outsta violations of the provisions of time student certificate prev issued to the employer, nor have been any serious violations of th Labor Standards Act (including Labor Regulation No. 3 and th ardous Occupations Orders put in Part 570 of this Chapter) provide reasonable grounds t clude that the terms of a cert may not be compiled with, if issu

(g) The subminimum wage proposed to be paid full-time st under temporary authorizati under certificate is not less t percent of the minimum wage a ble under section 6 of the Act.

(h) Certificates will not be where such issuance will result duction of the wage rate paid to rent employee, including curre dent employees.

[40 FR 6329, Feb. 11, 1975, as amend FR 58745, Nov. 11, 1977]

§ 519.6 Terms and conditions of ment under full-time student cates and under temporary au tion.

(a) A full-time student cer will not be issued for a period than 1 year, nor will it be issue actively. It shall specify its e and expiration dates. A copy certificate shall be posted du effective period in a conspicuo or places in the establishmen the farm readily visable to all ees, for example, adjacent to t clock or on the bulletin board notices to the employees. If ter authorization is in effect und graph (a) of § 519.4 of this su notice thereof shall be similar during the effective period of thorization.

(b) Full-time students may employed under a certificate than 85 percent of the minim applicable under section 6 of

(c) For retail or service ment employers or agricult ployers, the allowable exten time student employment unc icates varies depending on (1) The employer proposes t no more than six full-time st subminimum wages on any (2) the applicant requests for not more than 10 perce total hours of all employe any month, or (3) the app

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quests authority for more than 10 percent of the total hours during any month. (For agricultural employers, the month of full-time student certificated employment may vary somewhat from the month in a previous year on which the certificate is based, depending on seasonal factors.)

(d) *Retail or service establishment employers or agricultural employers requesting authorization to employ not more than six full-time students at subminimum wages on any workday.* An application from such an applicant provides temporary authorization for the employment of full-time students at subminimum wages: *Provided*, The conditions set forth in paragraph (a) of § 519.4 of this subpart are met. Upon review of the application by the Administration or his/her authorized representative, the extent of the temporary authority may be modified.

(e) *Applicants requesting authorization for not more than 10 percent of the total hours of all employees during any month.* For such an applicant, certificates may authorize the employment of full-time student at subminimum wages for up to 10 percent of the total hours of all employees during any month, regardless of past practice of employing students. (Note: An establishment which has not previously held a certificate may be authorized 10 percent of the total hours of all employees during any month. Applicants requesting authority under this paragraph need not refer to paragraphs (f), (g), or (h) of this section.)

(f) *Applicants requesting authorization for more than 10 percent of the total monthly hours of all employees during any month with records of hours of employment of students and coverage by the Act prior to May 1974.* For such an applicant, certificates may not authorize full-time student employment at subminimum wages in excess of the highest ratio under any of these three formulas: (1) The proportion of student hours of employment (i.e., of full-time students under certificates) to total hours of all employees for the corresponding month of the preceding twelve-month period; (2) the maximum proportion of student hours of employment to total hours of all employees (in any corresponding month), applicable to the issuance of full-time student certificates before May 1974; or (3) 10 percent of the total hours of all employees, during any month. (Note: An establishment which is entitled to monthly allowances ranging from 5 to 20 percent may be authorized 10 percent for those months which were less than 10 percent and retain the higher allowances for those months above 10 percent.)

(g) *Applicants requesting authorization for more than 10 percent of the total hours of all employees during any month with records of hours of employment of students and new coverage under the 1974 Amendments.* For such an applicant, the highest permissible allowance under a certificate during any month is the highest ratio under any of these three formulas: (1) The proportion of hours of employment of full-time students to total hours of all employees during the corresponding month from May 1973 through April 1974; (2) the proportion of student hours of employment (i.e., of hours of full-time students under certificates) to total hours of all employees during the corresponding month of the preceding twelve-month period (an alternative which is not applicable to all months of the year until 12 months after May 1, 1974); or (3) 10 percent of the total hours of all employees, during any month. (See notes under paragraphs (e) and (f) of this section.)

(h) *Applicants requesting authorization for more than 10 percent of the total hours of all employees during any month without records of student hours worked.* For such an applicant, the permissible proportion under certificate of full-time student hours at subminimum wages to total hours of all employees is based on the "practice" during the preceding twelve-month period of: (1) Similar establishments of the same employer in the same general metropolitan areas in which such establishment is located; (2) similar establishments in the same or nearby communities if such establishment is not in a metropolitan area; or (3) other establishments of the same general character operating in the community or the nearest comparable community. ("Practice" means either the certificate allowances or the proportion between the actual student hours of employment to the total hours of all employees.)

(i) An overestimate of total hours of employment of all employees for a current month resulting in the employment of the full-time students in excess of the hours authorized in paragraph (e), (f), (g), or (h) of this section may be corrected by compensating them for the difference between the subminimum wages actually paid and the applicable minimum under section 6 of the Act for the excess hours. Similarly, if an agricultural employer or a retail or service establishment employer has authorization to employ no more than six full-time students at subminimum wages on any workday but exceeds that number, the excess may be corrected by compensating the additional full-time students for the difference between the subminimum wages actually paid and the applicable minimum under section 6 of the Act. This additional compensation shall be paid on the regular payday next after the end of the period.

(j) Full-time students shall not be permitted to work at subminimum wages for more than 8 hours a day, nor for more than 40 hours a week when school is not in session, nor m
than 20 hours a week when schoo
in session (apart from a full-time
dent's summer vacation), except t
when a full-day school holiday oc
on a day when the establishmen
open for business, the weekly lim
tion on the maximum number
hours which may be worked shall
increased by 8 hours for each s
holiday but in no event shall the
hour limitation be exceeded. (N
School is considered to be in ses
for a student attending sum
school.) Whenever a full-time stu
is employed for more than 20 hou
any workweek in conformance
this paragraph, the employer s
note in his/her payroll records
school was not in session during a
part of that workweek or the stu
was in his/her summer vacation.

(k) Neither oppressive child labo
defined in section 3(l) of the Act
regulations issued under the Act
any other employment in violatio
a Federal, State or local child l
law or ordinance shall come within
terms of any certificate issued u
this subpart.

(l) Full-time students shall be
ployed at subminimum wages u
this subpart only outside of
school hours, i.e., only outside of
scheduled hours of instruction of
individual student, or, in the cas
agriculture, only outside of sc
hours for the school district wher
employee is living while so empl
if the employee is under 16 yea
age.

(m) No full-time student sha
hired under a full-time student ce
cate while abnormal labor condi
such as a strike or lockout, exist a
establishment or farm.

(n) No provision of any full-tim
dent certificate shall excuse nor
pliance with higher standards ap
ble to full-time students which m
established under the Walsh-H
Public Contracts Act or any other
eral law, State law, local ordinan
union or other agreement. Thus
tificates issued under this law ha
application to employment unde
Service Contract Act.

(o) No full-time student certi
shall apply to any employee to
a certificate issued under section
or (c) of the Act has application.

[40 FR 6329, Feb. 11, 1975, 40 FR
May 23, 1975, as amended at 42 FR
Nov. 11, 1977]

§ 519.7 Records to be kept.

(a) The employer shall des
each worker employed as a fu
student under a full-time stude
tificate at subminimum wages.
vided under Part 516 of this cha

(b) (1) In addition to the reco
quired under Part 516 of this c
and this subpart, the employe
keep the records specified in

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graph (b) (2) and (3) of this section specifically relating to full-time students employed at subminimum wages.

(2) The employer shall obtain at the time of hiring and keep in his records information from the school attended that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student. During a period between attendance at different schools not longer than the usual summer vacation, a certificate from the school next to be attended that the student has been accepted as a full-time student will satisfy the requirements of this paragraph (b)(2).

(3) The employer operating any farm or retail or service establishment shall maintain records of the monthly hours of employment of full-time students at subminimum wages and of the total hours of employment during the month of all employees in the establishment except for those employed in agriculture who come within one of the other exemptions from the minimum wage provisions of the Act.

(c) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of 3 years at the place and made available for inspection, both as provided in Part 516 of this chapter.

[40 FR 6329, Feb. 11, 1975; 40 FR 22546, May 23, 1975]

§ 519.8 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in Part 528 of this chapter), the authorized officer upon his/her own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificate.

§ 519.9 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 45 days after FEDERAL REGISTER publication of a statement of the terms of the certificate granted (subsequent to April 30, 1976, within 60 days after a certificate is granted), any person aggrieved by the action of an authorized officer in denying or granting a certificate may: (1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance, or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration determination of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he/she deems it appropriate, afford other interested persons an opportunity to present data, views, or argument.

[40 FR 6329, Feb. 11, 1975; 40 FR 22546, May 23, 1975]

§ 519.10 Amendment or revocation of the regulations in this subpart.

The Administrator may at any time upon his, her motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations of this subpart.

Subpart B—Institutions of Higher Education

§ 519.11 Applicability of the regulations in this subpart.

(a) *Statutory provisions.* Under section 14 of the Fair Labor Standards Act of 1938, as amended, and the authority and responsibility delegated to him/her by the Secetary of Labor (36 FR 8755) and by the Assistant Secretary for Employment Standards (39 FR 33841), the Administrator of the Wage and Hour Division is authorized and directed, to the extent necessary in order to prevent curtailment of opportunities for employment, to provide by regulation or order for the employment, under certificates, of full-time students in institutions of higher education. That section contains provisions requiring a wage rate in such certificates of not less than 85 percent of the minimum wage applicable under section 6 of the Act, limiting weekly hours of employment, stipulating compliance with the applicable child-labor standards, and safeguarding against the reduction of the full-time employment opportunities of employees other than full-time students employed under certificates.

(b) *Source of limitations.* Some of the limitations expressed in this subpart are specifically required in section 14(b) of the Act. The other limitations implement the provisions relating to employment opportunities, i.e., the "extent necessary in order to prevent curtailment of opportunities employment" and the require that the regulations shall "pre standards and requirements to that this paragraph will not cr substantial probability of reducir full-time employment opportuni persons other than those to who minimum wage rate authorize section 14(b) of the Act is applic

[40 FR 6329, Feb. 11, 1975; 40 FR May 23, 1975]

§ 519.12 Definitions.

(a) *Full-time students.* A "fu student" for the purpose of th part is defined as one who me accepted definition of a full-tir dent of the institution of highe cation which employs him/her. time student retains that status the student's Christmas, summ other vacations, even when a s is taking one or more courses his/her summer or other va The phrase in section 14(b) statute "regardless of age but i pliance with applicable child laws", among other things re the employment in an institu higher education to full-time st who are at least 14 years of a cause of the application of secti of the Act.

(b) *Institution of higher edu* An "institution of higher educa an institution above the sec level, such as a college or unive junior college, or a professional of engineering, law, library social work, etc. It is one that i nized by a national accrediting or association as determined U.S. Commissioner of Educatio erally, an institution of higher tion: (1) Admits as regular s only individuals having a certif graduation from a high school recognized equivalent of such a cate; and (2) is legally aut within a State to provide a pro education beyond high school; provides an educational prog which it normally awards a ba degree, or provides not less tha year program which is accept full credit toward such a de offers a two-year program in e ing, mathematics, or the phy biological sciences which is des prepare the student to work a nician and at a semi-professio in engineering, scientific, o technological fields which req understanding and application engineering, scientific, or ma cal principles of knowledge.

[40 FR 6329, Feb. 11, 1975; 40 F May 23, 1975]

§ 519.13 Application for a full- dent certificate.

(a) Whenever the employm full-time students working in tution at wages lower than t mum wage applicable under

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of the Fair Labor Standards Act is believed to be necessary to prevent curtailment of opportunities for employment and employment of them will not create a substantial probability of reducing the full-time employment opportunities of other workers, an application for a certificate may be filed by their employer with the appropriate Regional Office of the Wage and Hour Division (or the Denver, Colorado Area Office for Colorado, North Dakota and South Dakota; the Salt Lake City, Utah Area Office for Montana, Utah and Wyoming; and the Caribbean Office for the area it covers). Such an application shall be signed by an authorized representative of the employer.

(b) The application provided for under § 519.14 must be filed in duplicate on official forms or exact copies thereof. The forms are available at the offices mentioned in paragraph (a) of this section. The application must contain the information on numbers of full-time students and full-time employees (other than full-time students), minimum full-time student wages, and other information for which request is made on the form.

(c) Separate application must be made for each campus of an institution of higher education for which authority to employ full-time students at subminimum wage rates is sought.

(d) Application for renewal of a certificate shall be made on the same type of form as is used for a new application. No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed, and is received by the office specified in paragraph (a) of this section not less than 15 nor more than 30 days prior to the expiration date. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

[40 FR 6329, Feb. 11, 1975, 40 FR 22546, May 23, 1975]

§ 519.11 Procedure for action upon an application.

(a) Under certain conditions, an institution of higher education has temporary authorization to employ full-time students at subminimum wages. These conditions are: (1) Absence of an effective finding by the Secretary that the institution has been employing full-time students under certificates in violation of the requirements of section 14(b)(3) of the Act or of these regulations; and (2) forwarding of a properly completed application to the Wage and Hour Division not later than the start of employment of full-time students at subminimum wages; and (3) posting a notice of such filing at the place(s) specified in paragraph (a) of § 519.16 of this subpart; and (4) compliance during the temporary authorization period with the requirements set forth in paragraphs (b) and (e) through (j) of § 519.16 of this subpart.

(b) Temporary authorization under the conditions set forth in paragraph (a) of this section is effective from the date the application is forwarded to the Wage and Hour Division in conformance with § 519.13 of this subpart. This authorization shall continue in effect for one year from the date of forwarding of the application unless, within 30 days, the Administrator or his/her authorized representative denies the application, issues a certificate with modified terms and conditions, or expressly extends the 30-day period of review.

(c) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions specified in this subpart are satisfied. To the extent he she deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data, views, or argument on the application prior to granting or denying a certificate.

(d) Until April 30, 1976, if a certificate is issued there shall be published in the FEDERAL REGISTER a general statement of the terms of such certificate together with a notice that, pursuant to § 519.19, for 45 days following such publication any interested person may file a written request for reconsideration or review. Thereafter, applications and certificates will be available for examination in accordance with applicable regulations in Washington, D.C., and in the appropriate Regional Office of the Wage and Hour Division (or the Denver, Colorado Area Office for Colorado, North Dakota, and South Dakota; the Salt Lake City, Utah Area Office for Montana, Utah, and Wyoming; and the Caribbean Office for the area it covers) for institutions of higher education in its area. A period of 60 days will be provided after certificate issuance during which any interested person may file a written request for reconsideration or review.

(e) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

§ 519.15 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at subminimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at subminimum rate the granting of a certificate is necessary in order to prevent curtailment opportunities for employment.

(b) The employment of full-time st dents will not create a substanti probability of reducing the full-tim employment opportunities for perso other than those employed under suc certificates.

(c) Abnormal labor conditions suc as a strike or lockout do not exist the units of the campus for which full-time student certificate is reque ed.

(d) The data given on the appli tion are accurate and based on av able records.

(e) There are no serious outstand violations of the provisions of a f time student certificate previou issued to the employer, nor have th been any serious violations of the F Labor Standards Act (including Ch Labor Regulation No. 3 and the H ardous Occupations Orders publis in Part 570 of this chapter) which vide reasonable grounds to conc that the terms of a certificate may be complied with, if issued.

(f) The subminimum wage ra proposed to be paid full-time stud under temporary authorization under certificate is not less tha percent of the minimum wage app ble under section 6 of the Act.

(g) Full-time students are not employed by an institution of hi education at subminimum w under this subpart in unrelated t or businesses as defined and ap under sections 511 through 515 c Internal Revenue Code, such as ment houses, stores, or other bus es not primarily catering to th dents of the institution.

(h) Certificates will not be where such issuance will result in duction of the wage rate paid to rent employee, including curren dent employees.

§ 519.16 Terms and conditions of e ment under full-time student cates and under temporary aut tion.

(a) A full-time student cert will not be issued for a period than 1 year, nor will it be issued actively. It shall specify its ef and expiration dates. A copy certificate shall be posted dur effective period in a conspicuou or places in the institution of education readily visible to all e ees, for example, adjacent to th clock or on the bulletin board u notices to the employees. If tem authorization is in effect unde graph (a) of § 519.14, a notice shall be similarly posted during fective period of such authoriza

(b) Full-time students may employed under a certificate than 85 percent of the minimu applicable under section 6 of t

(c) An institution of higher education shall not employ full-time students at subminimum wages under this subpart in unrelated trades or businesses as defined and applied under sections 511 through 515 of the Internal Revenue Code, such as apartment houses, stores, or other businesses not primarily catering to the students of the institution.

(d) An institution of higher education subject to a finding by the Secretary that it is in violation of the requirements of section 14(b)(3) of the Act or of this subpart must be issued a full-time student certificate before it can employ full-time students at wages below those required by section 6 of the Act. The Administrator or his/her authorized representative will not issue a full-time student certificate to such an institution without adequate assurances and safeguards to insure that the violations found by the Secretary will not continue.

(e) Full-time students shall not be permitted to work at subminimum wages for more than 8 hours a day, nor for more than 40 hours a week when school is not in session, nor more than 20 hours a week when school is in session (apart from a full-time student's summer vacation), except that when a full-day school holiday occurs the weekly limitation on the maximum hours which may be worked shall be increased by 8 hours for each such holiday but in no event shall the 40-hour limitation be exceeded. (Note: School is considered to be in session for a student taking one or more courses during a summer or other vacation.)

Whenever a full-time student is employed for more than 20 hours in any workweek in conformance with this paragraph, the employer shall note in his/her payroll that school was not in session during all or part of that workweek or the student was in his/her summer vacation.

(f) Neither oppressive child labor as defined in section 3(l) of the Act and regulations issued under the Act nor any other employment in violation of a Federal, State or local child labor law or ordinance shall come within the terms of any certificate issued under this subpart.

(g) Full-time students shall be employed at subminimum wages under this subpart only outside of their school hours, i.e., only outside of the scheduled hours of instruction of the individual full-time student.

(h) No full-time student shall be hired under a full-time student certificate for work in a unit or units of the campus where abnormal labor conditions, such as a strike or lockout, exist.

(i) No provision of any full-time student certificate shall excuse noncompliance with higher standards applicable to full-time students which may be established under the Walsh-Healey Public Contracts Act or any other Federal law, State law, local ordinance, or union or other agreement. Thus, certificates issued under this subpart have no application to employment under the Service Contract Act.

(j) No full-time student certificate shall apply to any employee to whom a certificate issued under section 14(a) or (c) of the Act has application.

[40 FR 6329, Feb. 11, 1975, 40 FR 22546, May 23, 1975]

§ 519.17 Records to be kept.

(a) The employer shall designate each worker employed as a full-time student under a full-time student certificate at subminimum wages, as provided under Part 516 of this chapter.

(b) (1) In addition to the records required under Part 516 of this chapter and this subpart, the employer shall keep the records specified in paragraphs (b)(2) and (3) of this section specifically relating to full-time students employed at subminimum wages.

(2) The institution shall obtain at the time of hiring and keep in its records information that the employee is its full-time student at the physical location of the institution in accordance with its accepted definition of a full-time student. During a period between attendance at different schools not longer than the usual summer vacation, the acceptance by the institution of the full-time student for its next term will satisfy the requirements of (b)(2) of this section.

(3) An institution of higher education shall maintain records showing the total number of all full-time students of the type defined in § 519.12(a) employed at the campus of the institution at less than the minimum wage otherwise applicable under the Act, and the total number of all employees at the campus to whom the minimum wage provision of the Act applies.

(c) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of 3 years at the place and made available for inspection, both as provided in Part 516 of this chapter.

[40 FR 6329, Feb. 11, 1975, 40 FR 22546, May 23, 1975]

§ 519.18 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in Part 528 of this chapter) the authorized officer upon his/her own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificates.

§ 519.19 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 45 days after FEDERAL REGISTER publication of a statement of the terms of the certificate granted, issued subsequent to April 30, 1976, within 30 days after a certificate is granted), any person aggrieved by the action of the authorized officer in denying or granting a certificate may: (1) File a written request for reconsideration thereof with the authorized officer who made the decision in the first instance, or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the action on reconsideration of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he she deems it appropriate, afford other interested persons an opportunity to present data, views, or argument.

[40 FR 6329, Feb. 11, 1975, 40 FR 22546, May 23, 1975]

§ 519.20 Amendment or revocation of regulations in this subpart.

The Administrator may at any time upon his/her own motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations of this subpart.

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APPENDIX G

REHABILITATION ACT

REHABILITATION ACT AMENDMENTS OF 1992

The amendments include changes throughout to incorporate the values and philosophy of the Americans with Disabilities Act. There is an overall declaration of the purpose that includes the principles of equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency of individual's with disabilities.

Terminology

The terminology used is updated throughout the act. All references to "individuals with handicaps" are changed to "individuals with disabilities". In addition, the term "rehabilitation facility" is replaced by "community rehabilitation program" and the term "rehabilitation engineering" is replaced by "rehabilitation technology" and it is clarified that the term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

State Plan

The state must assure that it is using Title VI-C funds as a supplement to Title I funds, explain how it is serving all eligible individuals; mae appropriate use of existing information from other agencies in assessment for eligibility and rehabilitation needs; outreach to minorities and individuals who are underserved; have interagency cooperation; review extended employment and integrated placements; assure smooth transition services from school to work; demonstrate increased consumer choice and control; and assure assistive technology devices and services and worksite assessment of eligibility and rehabilitation needs.

Individualized Written Rehabilitation Plan

There are several changes to the IWRP to ensure that the desires of the client are taken into account during the rehabilitation process. It will now be required that the client and the rehabilitation counselor jointly develop, agree and sign the IWRP. The plan must be consistent with the strengths, priorities, concerns and abilities of the individual and include a statement by the individual, in his or her own words, on how she or he was involved in the process of choosing among the

alternative goals, objectives, services, providers, and methods used to provide or procure such services.

The amendments clarify that vocational rehabilitation services available under the basic state grant include personal assistance services, transition services and supported employment services.

Eligibility

There are provisions to streamline the eligibility process by requiring greater use of existing data and information provided by other agencies and by the individual with disabilities and their families. The eligibility determinations must be made within 60 days from the date of application.

The amendments clarify that an individual is eligible for services under the basic state grant program if he or she is an individual with a disability and requires vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment. The definition of an individual with a disability is an individual who (i) has a physical or mental impairment which for the individual constitutes or results in a substantial impediment to employment and (ii) can benefit in terms of employment outcome from vocational rehabilitation services.

The amendments specify that an individual with a disability is presumed to be capable of benefitting from vocational rehabilitation services unless the state agency can demonstrate by clear and convincing evidence that the individual cannot benefit. Further, if the severity of the disability is the reason for a determination of ineligibility, the State must first undertake an extended evaluation.